MISSISSIPPI LAW JOURNAL

PROCEEDINGS

MISSISSIPPI STATE BAR

FIFTY-SECOND ANNUAL MEETING

October, 1957

VOLUME XXVIII NUMBER 4

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Entered as second class matter, November 25, 1936, at the Post Office at University, Mississippi, under the Act of Congress of March 3, 1879.

Published in October, December, March, and May

$4.00 Per Annum $1.50 per Current Number

EDITORIAL AND BUSINESS OFFICE, UNIVERSITY, MISSISSIPPI

Mississippi Law Journal

JOURNAL of the MISSISSIPPI STATE BAR
MEMBER, NATIONAL CONFERENCE OF LAW REVIEWS
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VOLUME XXVIII OCTOBER, 1957 NUMBER 4

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1957-1958

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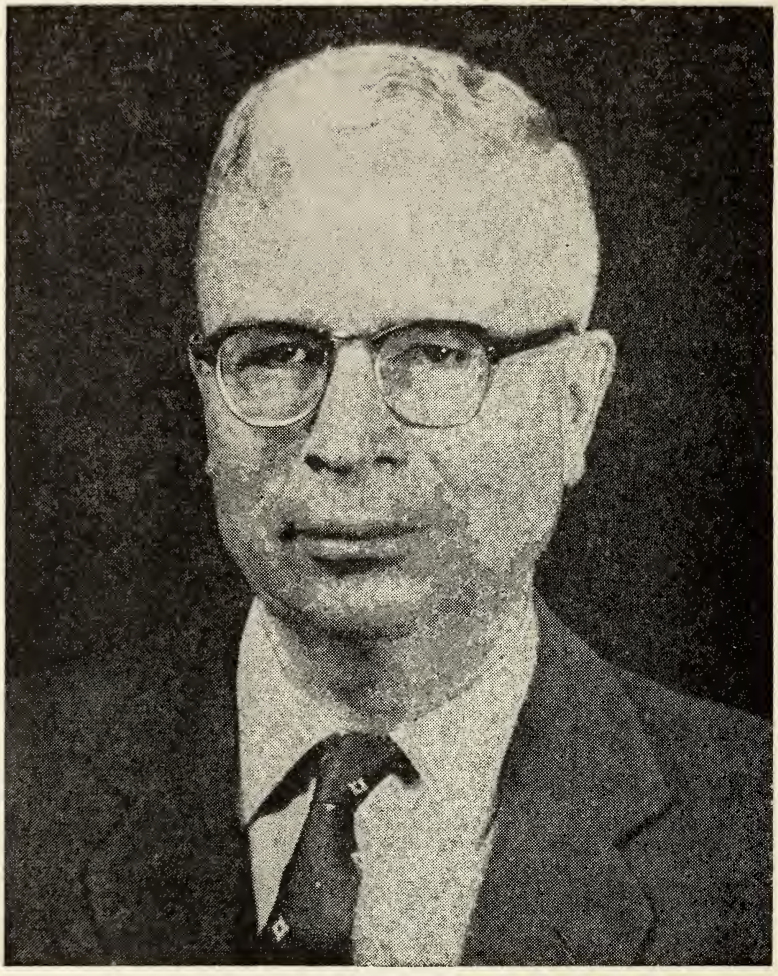

M. M. ROBERTS

Retiring President of Mississippi State Bar

PROCEEDINGS OF THE FIFTY-SECOND ANNUAL

MEETING OF THE

Mississippi State Bar

Held at Biloxi, Mississippi, on

the 28th and 29th of June, 1957

The Convention was called to order in the Buena Vista Hotel in Biloxi, Mississippi, at 9:30 A. M., June 28, 1957, by Mr. M. M. Roberts, President of the Mississippi State Bar.

The invocation was delivered by Dr. Clyde C. Gunn of Gulfport.

An address of welcome was delivered by Mr. Knox White of Gulfport and was responded to by Mr. William C. Keady of Greenville.

President Roberts then delivered the following address:

PRESIDENT'S ANNUAL ADDRESS

M. M. Roberts

The Constitution of the United States has as its Preamble:

"We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessing of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

This is the Preamble to our national Constitution—the greatest single document for good government mankind has ever produced.

Article I provides for a Legislative Department of government to consist of a Senate and a House of Representatives.

Article II provides for the Executive Department of the government to be headed by the President of the United States.

Article III provides for a Judicial Department of government.

These three departments of government are supposed to be free one of the other but you and I have seen the Executive and the Judicial take over the government in a twenty year period. In the early 1930's we saw a period of an executive who defied all in his path. He browbeat and nearly destroyed the Supreme Court because it held some of his Karl Marx program unconstitutional. I am happy that we do not have such a tyrant now in the executive department of government.

The first ten amendments are referred to as the Bill of Rights. The

first of these amendments contemplates separation of state and church and provides that Congress shall make no law respecting and establishing a religion or prohibiting the free exercise thereof. The faulty phase of this part of the First Amendment is that the government has not interferred with religion but churches have surely sought to interfere with government. They have lost their place in society in many instances by having prodded at things which are none of the business of the church. About all the average church group now does when in session is to tell the rest of the world what should be done in the name of good government. The tragic result has been that in the name of religion more harm has been done to change our way of life and constitutional government than in any other field of life today. Churches tend to socialism as a whole. Church literature is contradictory of the thinking of most preachers and a majority of the lay public. Even communism gets support through ignorance of some full time church workers. Lawyers can help. We should oppose spending money to promote what we do not want.

Amendments Two and Three deal with the militia and with the placing of soldiers in homes without the consent of the owner except in manner to be prescribed by law. In this direction it should be stated that what you and I knew to be contrary to the American way and more European in nature, we have had imposed upon us a universal draft system, a peace-time war measure, if you please, which has tended to make of us a military nation and has affected our freedom of living in innumerable ways. If we lawyers would only speak out and tell the world how we are losing our freedoms by writing out and destroying that contemplated under these amendments, we would do a great service.

The Fourth Amendment deals with search and seizure.

The Fifth Amendment deals with indictments by grand jury; and with impositions on peoples in the movement of life and prohibits the depriving one of his life, liberty or property without due process of law and prohibits the taking of private property for public use without just compensation. It should be stated that the growth of government and the power placed in people of little capacity in government have in many respects nullified and destroyed the Fifth Amendment to the Constitution of the United States. The greatest abuse to which the Fifth Amendment has been put has to do with the provision that in a criminal case a person cannot be called upon to be a witness against himself. Restrictive covenants relating to race and color and religion have their place under this amendment with similar abuses. So, also, does due process and the taking of private property for public use. This latter phase has been extended so that the Government of the United States in its "doing business" reaches out and takes property in ways and for purposes never

dreamed of by those who wrote the Constitution of the United States. We should make mention of the fact that the Supreme Court of the United States in less than two weeks has reversed judgments of convictions of 14 communists and let five of them go free, but thanks to Mr. Justice Clark for dissenting.

The Sixth Amendment deals with speedy trials.

The Seventh Amendment guarantees the jury trial where the sum involved is in excess of $20.00.

Amendment Eight seeks to avoid excessive fines and unusual punishment; but that is a matter of public sentiment and we are already at times worried about our own freedom to say what we think.

The Ninth Amendment recognizes that the powers granted in the Constitution are all the powers which the United States has a right to assert and all others are retained by the people. This is fine in theory but it is a nullity in practice.

The Tenth Amendment might be the amendment dealing with states rights, if there remain any such rights. At an annual meeting of this Association at the Friday night banquet, Mr. Clayton Rand, noted author and newspaper man, made a splendid statement respecting the remaining amendments. In a very clever way he pointed out how the Thirteenth and Fourteenth Amendments tend to equalize the whites and the blacks and how the Fifteenth Amendment gave to all male citizens the right to vote, and how the Sixteenth Amendment brought us all to our knees on a common level through income taxes asserted and assessed by the Government of the United States, and how the Eighteenth Amendment sought to equalize morals but finally broke down when our morals were about gone, and the Nineteenth Amendment which placed women on equals with men for voting to thereby make them outdo and outclass men even in other phases of life, and the Twenty-Second Amendment which sought to avoid the tragic experience we had in the Rooseveltian days when it looked like that death only could save us from totalitarianism.

Under this Constitution lawyers have sought to work and in a very short period of the thirty-one years that I have practiced law and even within a period of two decades or twenty years, we have had changes which would shock the most liberal minds of twenty years ago. In the 1930's we had a determined executive in Washington who was a socialist at heart and he did all that Karl Marx had ever dreamed of and adopted that philosophy. We had a strong Supreme Court to outlaw some of these notions and then this tyrant tried to pack the Court with men who would approve his plan. Some of our best people fell for all of this to land us in trouble and a waste which we cannot stop.

Land and Domestic Tranquility

In the study of economics on the college level in the past, we have had poined out to us that land, labor, and capital make up all of material life insofar as government under our constitutional system is concerned.

Holdings of large corporations are only a small factor with us in this regard, because it is big government which disturbs our domestic ongoing. Government land holdings, dams, and water are part of the total program. Soil conservation plays a part but tadpole ponds on every farm at government expense has been only socialistic bait for gullible individuals to think well of governmental accumulations of large areas of lands. Some examples are:

1. The Department of Interior has gone into the land business and it now has in its custody 750 million acres of land. This equals 32.3 per cent of the total land and water area of the United States and all of its territories and possessions.

2. The Forest Service declares that it holds lands aggregating 188 million acres which equals 8.1 per cent of the total land and water area of the United States and its territories and possessions.

3. The Soil Conservation Service claims to have acquired lands which aggregate more than eleven million two hundred ninety-seven thousand acres, which is nearly a million and a half acres greater in extent than the combined areas of New Jersey, Connecticut, Delaware, and Rhode Island.

The end result is that we are near totalitarianism in this phase of our economic life. The question is "Where shall we go from here?"

Labor and Domestic Tranquility

Labor goons and political idiots in the labor field force injustices on laborers themselves. The fault has not been with labor but with the labor laws. We started out with the old Wagner Act in the early thirties. It was one of the first New Deal plans designed to alter and nearly destroy our system of free enterprise and to generally affect our society, one of the Rooseveltian plans to promote Marxism.

The National Labor Relations Board was filled with men determinded to carry out the leftist plans and purposes of the Wagner Act. It was not until the amendment in 1947 that some fight was made to avoid that which we were about to approach and that was chaos with much disturbance to labor itself. We still have this uncontrolled giant ever after our free way of life and in control of tyrant trained Russian thinkers, against what we love and want, against what labor itself wants. My own experience as a lawyer in the last two years has sold me on the idea that the national labor unions are trying to control all of society and are de-

structive of those out in the field who must do the work. I thank my God every day that we have had a legislature with enough courage and character in the State of Mississippi to enact the Right to Work Law and for Senator Taft and others of his statesmanship, including our own Senators in Washington, who have put the country above self. We surely ought to be able to have some freedom to work without the opposition of goons, rackateers and totalitarian labor leaders who have swooped down upon us to our everlasting harm. The labor leadership is trying to force upon those at the bottom all kinds of ways of life and the punishment is that one cannot get the job he would like to have because of interference from the top. There has been quite a bit of discussion about limiting the powers of labor unions and forbidding compulsory unionism. Our great problem, however, is not a free decision of what we need but what the politicians are going to do simply because of fear of power politics and pressure of minority groups which may very well spell their defeat. We condemn ourselves and some day we must face this problem. It is upon us now and if we are unwilling to act we are failing in the leadership which ought to be that of the American lawyer. The problem we have here is that the labor monopoly rests on violence. Seventeen million unionists control fifty million industrial workers, with sympathetic strikes and all kind of violence supported by the courts and, in the past, by the Congress of the United States. One million four hundred thousand unionized automobile workers can paralyze scores of industries outside of the automobile industry and one million three hundred thousand union teamsters can stop vital transportation all over the United States. There is not a lawyer here who has not experienced the simple fact that union membership will not cross union picket lines. Railroads and motor freight companies will refuse to pick up freight at a place where a union is on a strike. Monopoly control, therefore, tends to destroy us. The only way a free economy can be preserved is for the Government to write and enforce laws preventing and prohibiting the acquisition and use of monopoly power by anyone. Contrary to this obligation upon our government, labor unions have been granted special aids to become monopolists by exemptions from prosecutions under the anti-trust laws. It is obvious that the enactment of the Wagner Act and its administration for unions for ten years was responsible for the expansion in union membership. Now the North and East are largely unionized and with men like Meany and Reuther from the North and East determining what will be the labor way of life, we have industry-wide bargaining. An example of the danger to us is that local self government in the union itself is destroyed. An argument in a union in my town has resulted in the revoking of the charter by poor

national leadership, and now dues will not be accepted and cards are revoked and men cannot get jobs because the president of the union in Washington is using economic pressure to require a change in the demeanor of the local group. Industry-wide bargaining is like race relations in schools. It may be that only a very small per cent will want the industry-wide bargaining but those in control force it on those who do not want it. The modern strike becomes largely a trial of financial strength. The so-called right to strike is not in fact simply the right to quit a job. It has been well described as the right to hold a job while not working at it; the right not only to stop working, but also to prevent any other person from taking the striker's job. Some of the things referred to as peaceful strikes have included dynamiting, stench bombing, train wrecking, cable cutting, physical assaults and intimidation of would-be workers and their families. Lawlessness of this kind does not happen by mere coincidence as spontaneous outbursts of individual violence. They are part of the mass picketing, the auto smashing, and similar organized lawlessness which are conceded to be authorized strike activities.

All of this, big labor and public ownership of utilities, threatens American capitalism. Big labor collectivism compels collectivism in government. In fact, the threat from the side of organized labor is greater than that from the side of business for the simple reason that organized labor's power is vastly greater than that of business without substantial supervision by law. The character of management requires it not to expose the public to hardships to which they have been repeatedly submitted by powerful national unions, not merely in peacetime but in times of war when our national existence was at stake.

Roscoe Pound, a great educator and lawyer, who has written two hundred and fifty books and major papers and has seventeen honorary degrees in law, and has been professor of law in some of the great universities in this country and Dean of Law Schools in Nabraska and at Harvard, says of this problem: "The substantially general privileges and immunities of labor unions and their members and officials to commit wrong to persons and property, to interfere with the use of highways, to break contracts, to deprive individuals of their means of earning a livelihood, to control the activities of individual workers and their local organizations censurely and arbitarily administered beyond the reach of state laws, and to misuse trust funds—things which no one else can do with impunity" exist with us. And further says that, "Labor leaders and labor unions now stand where the kings and government and land owners and charity and husband and father stood at common law".

There are some outstanding examples of what labor unions are doing under law, as the law now is. We have some targets nearer home but

the most notable one is the Kohler Company. It is the CIO, under the leadership of Walter Reuther, which is now carrying on a national boycott of that company. One of his representatives has said of this: "It seems to me that it is almost sinful to have any labor dispute degenerate to the point this one has—where we actually have to wreck the company. That's what we are doing, wrecking the company". The union has fifteen full time representatives seeking support for the boycott in fiftteen regions of the United States and there are sixty-five strikers employed at the plants to prepare and disseminate boycott leaflets and phamplets. The support of other unions is being solicited. The manufacturer has reached the low level where it must place on its products that they are union made or union handled. The labor government of Great Britian has brought that country to its knees economically. Railroads, coal production, electric power, and various other public movements handled by the government should be un-American; and for England were brought about by the actions and activities of the labor unions of that country. In passing, we should not overlook the recent great work done by Senator John L. McClellan from Arkansas in exposing men like Dave Beck of the Teamsters Union and in generally focusing the American thought to the problem which is ours, and that is to avoid unstable labor leadership, goons and criminals from destroying us. I again repeat that it took courage and character on behalf of the legislators of the State of Mississippi to enact the Right to Work Law and it is your duty and mine to see that this law is enforced, and that those with such courage are not ousted.

Race Controversies Connected with Labor and with Courts

Nothing I can say on this subject would add to or take away from the thinking of the lawyers assembled. Mr. Satterfield made an able presentation on this subject at the State Bar meeting at Jackson last year. Honorable James S. Byrnes of South Carolina, statesman and world figure, contributed greatly to the side of the South in statements made before the Vermont Bar Association on September 22, 1956, and at the Lincoln Day Dinner of the Illinois State Bar Association on February 9, 1957. In each instance, Governor Byrnes made very forceful arguments in support of the South. His statement is enlightening and reviews the case law on the subject and refers to the psychological approach made by the members of the Supreme Court of the United States who handed down the decision which has brought so much dissension and turmoil to us since it was written in 1954. He points out the fact that there are strong views in some areas of the country as demonsrated by what happened at Clinton, Tennessee, and at Montgomery, Alabama, and in other sections of the United States. He did not discuss the fact that there have been more

race riots in New York, Philadelphia, and Chicago with more damage to people and property than has ever happened in any one dozen places in the South. This is an explosive problem and lawyers have a job to perform in this regard in every section of Mississippi. In many instances the problems in rural communities will be greater than elsewhere if and when this agitation now about us results in a crisis. Governor Byrnes was invited to be with us but he declined with the statement that he wanted to keep the time he has and his strength for accepting invitations to places where people need to hear the argument he desires to make.

The importance of the problem and its dangers are demonstrated by the space given in the press throughout this nation. It would appear that most of the trouble has arisen in our national capital and in New York and Chicago. The *Mobile Press Register* on December 16, 1956, gave headline mention to the fact that the Bill of Rights had been torn to bits by a ruling of a Federal Judge in Tennessee that the United States can jail without trial those who disagree with the Judge. That article pointed out that the decision of two judges of the United States Circuit Court of Appeals and a District Judge in South Carolina in 1955 held that the Supreme Court of the United States had ordered desegregation but did not require integration. A Federal injunction in Tennessee was turned over to a prosecuting attorney of Anderson County, Tennessee, with request that he go before the Clinton High School and read the injunction. This attorney stated that he had been instructed to say that anyone who violated the injunction would be guilty of misconduct and that the faculty of the school had been requested to pass on to the Federal Bureau of Investigation any action on behalf of the students that might be construed as violative of the injunction. The full text of the injunction was read and the attorney interpreted the meaning thereof and wound up his statement by saying that to his knowledge, in all American history, it had never been necessary to read an instrument such as that, a Federal injunction, before a specially called assembly of a high school student body. One can understand that there must have been some harsh feelings in the area at the time. The newspaper article stated that it was the primary duty of the State of Tennessee and Anderson County to enforce the law but that the county and state had given way to a superior power, a Federal Judge. On July 19, 1956, Honorable Joseph F. Johnson, then President of the Alabama Bar Association, gave an address on the Supreme Court. In that speech this able lawyer gave his point of view on the side of the South. Practically every volume of the *Journal of the American Bar Association* since the Supreme Court decision of 1954 has furnished writings by able lawyers throughout the country on this subject. Some of these have been for one side and some

for the other. Some have been critical of the Supreme Court of the United States and others have admired the stand the Court took. New discussions have arisen respecting the Bill of Rights and civil rights versus natural rights. All seem to recognize that minorities control majorities in this country in labor and in race and in religion. W. Jefferson Davis of Los Angeles, California, wrote an article appearing in the American Bar journal, February 1957, which was said to challenge some earlier article in the journal and this able lawyer took the position that Eugene Cook, Attorney General of Georgia, and William I. Potter, of the Missouri Bar had done able jobs, which remained unanswered, opposing the opinion of the Supreme Court of the United States. It is interesting to note that some of the arguments for the decision are that world opinion so required; that changing times and theories in psychology and sociology made necessary the opinion; that the Fourteenth Amendment is of such importance as to justify the abandonment of the Tenth Amendment to the Constitution of the United States; and that the protests are emotional and not legal concepts, contrary to the thinking of the great majority of the people of the Southland.

Capital or Money Matters Under Our System

This phase of what I have to say deals with the continued growth of our totalitarian trends. There has been a proposed Twenty-Third Amendment to the Constitution of the United States intended to take the government out of business. The author is Mr. Willis E. Stone, President of the American Progress Foundation. In April, 1956, he made a speech at Dallas, Texas, and at that time he had brought together facts to show the direction which we are going and what has happened to the United States of America in a period of twenty years. It was pointed out that for the last twenty years we have spent an average of twelve billion dollars more each year than we have taken in in taxes, even though taxes are high. These expenditures are based on many things.

The Soil Bank Plan is now in vogue. The purpose of this is to avoid surplus in farm produce but the fact remains that we are paying people to do nothing. There will be spent a few billion dollars for this kind of thing just like there will be spent a few more billion dollars for building dams and irrigation systems. It is difficult to guess where we will go in this direction.

There are more than seven hundred federal corporations competing with private industry. As far as can be determined, there is no constitutional authority for them. They absorb directly or indirectly about half of all federal receipts to pay their losses and hidden costs. They have already, by one device or another, taken over forty per cent of the land area and twenty per cent of the industrial capacity of the United States,

riding the backs of American people as interest free, rent free, cost free, tax free competitors of our own citizens. Three of the largest of these bureaucratic empires have already been mentioned.

These agencies have been created by executive order or by congressional enactments. They cost the taxpayers of the United States approximately ten billion dollars a year. The proposed Twenty-Third Amendment to outlaw these federal corporate activities is pending in Congress as House Joint Resolution 123. The lawyers of Mississippi should become interested and act and in so doing we may help to avoid further enroachments and trends towards nationalization and total centralized government.

No one doubts but that we are now a welfare state and we are turning rapidly towards total destruction of the kind of life we knew even twenty years ago. Freedom of thought and of expression and willingness to act on part of all of us may stop this unholy trend. Much of the land in Mississippi is now under government control. In California forty-eight per cent of all of the land area of the state is held by federal agencies. Eighty-five percent of Nevada is under federal ownership. The trend is towards total government and total absence of individual enterprise. It is later than we think to take some action against these enroachments if we expect to gain any good from our actions.

The Honorable Harry F. Byrd, United States Senator from Virginia, on February 11, 1957, stated in the Senate that the federal debt just twenty-five years ago was 22 billion dollars and it is now more than 275 billion dollars. He pointed out that the civilian payroll was slightly above 500,000 twenty years ago and now is more than 2 1-2 million and that the payroll twenty years ago was approximately one billion dollars and it is now approximately ten billion dollars yearly. He says we have 273,000 civilian employees in foreign lands; 26,000 in France, 98,000 in Germany and 129,000 in Japan. For 1956, according to Senator Byrd, taxes amounted to 98.8 billion dollars out of a national income of 334 billion dollars, and that this meant 29 per cent out of every dollar earned goes for taxes and this is an increase of 10 billion dollars in collection of taxes over 1955. Senator Byrd recognized that our free enterprise system is the greatest deterrent in the world today to Russian aggression. It is our first line of defense. Our military forces are merely the tools through which the strength of this system is applied in war. Our competitive enterprise system can only exist under sovereign government and when we owe 275 billion dollars and are unable to pay it except from taxes yet to be collected, we are getting to a critical point in our fiscal affairs. Competitive enterprise goes out when government in business arrives.

For fear that I would run out of something to say, I decided that I should bring along the Congressional directory put out in March, 1957, which identifies and lists some of the employees of this government of ours and I have also brought along a copy of the budget for 1958 containing only 1165 pages with a supplement of 356 pages. Therein are identified the more than 700 different enterprises of this government and what it takes in taxes to keep them going and to keep them competing with our free enterprise system. I am uneasy for the future. Are you? I am fearful of what will take place in another thirty years. I want to live to the next century and I want to do my part to stop the enroachments upon our constitutional government. I hope we can retain local self government. I honestly fear where we will go if we keep in the direction we are now going. I have recently scanned a book, a novel named *1984* by George Orwell and therein is heading with words "War is Peace", "Freedom is Slavery", "Ignorance is Strength". Many of this nation had more peace in war. As disclosed in the "White Cowl" one confined is free. The ignorant seem the strongest of us all.

My Job and Yours

Miss. Code §8664 (1942) provides that we will demean ourselves as attorneys to the best of our ability, use no falsehood nor delay cause for lucre or malice, and support the Constitution of the State; and Miss. Code Ann §8665 (1942), on duties of attorneys, provides that we support the Constitution of the United States, maintain respect due courts of justice and judicial officers, abstain from offensive personalities, not encourage suits and never reject, for personal reasons, the cause of the defenseless or oppressed.

Some questions arise under these two sections. Our best ability is poor indeed. Avoiding falsehood may mean contempt of court. Sometimes money or malice enters into our thinking, but lawyers usually do well in these regards.

As to supporting the Constitution of the United States, some differences appear among us because of interpretation. All of us give courts the respect they are due, but the courts can be most distasteful at times, and no one likes to be arrested for trying to make a picture of a highway patrol "mail box" camouflaged radar device. We must abstain from offensive personalities, but an offensive one is not too difficult to avoid. We should not encourage lawsuits, but some do yet visit their crippled friends and come to their rescue, sometimes ambulance chasing, if you please, but some in high places seem to think that they are only taking care of the defenseless.

Whatever we call what we do, we can always do better. There is "The Living Power of Law". You and I can make it so. Men are en-

titled to life, to liberty and to property. We generally see them in trouble.

1. What have we done for criminal law?
2. What have we done in the field of domestic relations?
3. What have we done to set aright government in business?
4. Are we doing our utmost to avoid control by any segment of society?
5. Is it right for Government to pay $10,000,000,000 yearly to 700 government enterprises and extract much of that money from the free privately owned businesses, so government can compete with them?
6. Will homes, churches or schools be dominated by federal agencies; supervised, watched, looked on with suspicion?
7. How far are we away from a totalitarian state?
8. Are we going to stand up and be counted?
9. Will we sell ourselves for a place in this movement, or do we prefer a place in a shack on the side of a dusty road and return to the freedoms we had?

The President of the American Bar Association for this year has done much to try to avoid our getting on as low a level as some other segments of our society. He is to be commended.

May we so live as lawyers that others can know our good works. With courage, character and enterprise, we can again possess for ourselves the place we are entitled to in society.

President Roberts then introduced Senator James O. Eastland of Mississippi who delivered the following address:

ADDRESS OF JAMES O. EASTLAND

My friends, I am greatly honored that you have invited me to speak to the Mississippi Bar Association. It is an honor that I have always desired. I am doubly honored to be able to speak during the presidency of my good friend M. M. Roberts, who is a great American and a great lawyer. I would be less than human if I did not deeply appreciate the very kind and flattering introduction which he has given me.

I am going to impose upon your time for a few minutes to discuss the pending Civil Rights controversy. It's a program which our people have not begun to grasp, its scope, its extent, or its depth; and then I am going to discuss briefly some of the recent decisions of the United States Supreme Court. They have gone a long way in the past few weeks to rewrite our system of government.

You know, there are three great charters of human liberty, the Magna Carta, the Declaration of Independence, and the Constitution of the United States.

I am going to read to you from what Thomas Jefferson put in the Declaration of Independence, principles that caused the successful revolution against the British crown. Here is one of the charges that he laid against the king of Great Britain: "He has combined with others to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws, giving his assent to their acts of pretended legislation."

I don't have to tell you that the Court has been legislating, and further: "by depriving us in many cases of the benefits of trial by jury" —in an admiralty court in those days there was no right of trial by jury, and they had expanded the jurisdiction of the admiralty court to deprive American citizens of that God-given right, and that's the reason that was written in the Declaration of Independence—"for abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government and enlarging its boundaries so as to render at once an example and free instrument for introducing this same absolute rule into these colonies, for taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our government; for suspending our own legislature and declaring themselves invested with power to legislate for us in all cases whatsoever."

Now there is a great charter of human liberty. I submit that it is violated in this country today in every single particular.

I am first going to discuss the present Civil Rights program. I have attempted to make my chairmanship of the Judiciary Committee mean something, and I have refused to be a party to any weak-kneed compromise. They planned to get out a Civil Rights bill by the 15th of February, and I was determined that the only way they were going to get it was to take it. Now, they have taken it.

Well, I am going to discuss in brief some of the provisions of that bill. It's coming up in the Senate shortly after the 8th day of July. It is pictured over this country as a right to vote bill and a lot of people have the idea that if you write a jury trial amendment in the bill most of its vicious provisions can be handled by juries.

You know, the United States Code provides this: that the armed forces of the country can be sent into a state to collect a money judgment. That section of the code is being amended so that the armed forces can be sent into a state to enforce a decree under the proposed Civil Rights bill. The charge is made, the statement was made, and the Attorney General of the United States declined to testify on that point when we asked him lest he would be misunderstood. The statement is made that the President would not use that tremendous power. But, my friends, I am going to make a prediction, and they say only fools are prophets, but the first time there is a hot political campaign when minority votes in the

northern states are at stake, you can expect the use of that force in the South in order to help garner votes in areas north of the Mason and Dixon line.

This bill has another grievous fault. You know, any act in violation of an injunction is also a violation of the federal criminal code. I cannot conceive—I cannot conceive of any act in violation of an injunction that would not violate the code. In a school case the Court has declared that there is a civil right, the right to attend an unsegregated school. A man can be placed in jail for contempt and he can be indicted then and tried for a criminal offense. You have double jeopardy.

Under the federal statutes today, the old statutes handed down from the Clayton Act in contempt cases, indirect contempt, the accused is entitled to a trial by jury except in cases where the United States is a party.

Now, they are amending the act authorizing the Attorney General to bring a suit in the name of the United States for the use and benefit of whoever he desires, regardless of whether those people want a suit brought or not, that is, to get around the present law that allows jury trials in cases of indirect contempt.

You've got a provision for a Commission on Civil Rights. Now, here's the purpose for that. It is to go over the South, hold public hearings, subpoena people, put on a show—television, radio—and create a national scene in order to help tie up the Negro vote in northern states. There is a provision which is innocent on its face to establish a civil rights division in the Department of Justice, but it is very vicious, because they have testified that the purpose in using that is this: when a federal court renders a decision it is the purpose of that division to police the decision, and furthermore to watch groups and organizations which might take issue with the civil rights policies of the federal government.

What it is, is this: it is an attempt to implement the anti-segregation decision of the United States Supreme Court, the *Brown* case, delivered in 1954, and that commission can even use voluntary personnel. In other words, it can make use of agitators in the southern states.

I have always thought that law was essentially this: that the law applied equally to every person; that its benefits and its penalties applied equally to every person, but this act lodges discretion in the Attorney General. He can either apply it to particular people or he can withhold it, and an injunction, the temporary injunction, can be given without any showing of fact. He's got to take testimony when he makes it permanent. As I said, you've got—for violation of an injunction you have got a six months penalty now, the maximum that a judge can impose;

that's being repealed where he can impose two, four, five years sentences if he desires, and then an individual for whom an attachment has been issued does not have the burden of proof in his favor which you have in a criminal case.

I think that the chances are about fifty-fifty that in the Senate a jury trial amendment in cases where there is conflict of fact will be added to the bill.

But, as I said, that's not going to help, when the armed forces can be sent into the state to enforce a decree, and I am very apprehensive of that in the future. He is denied the full right to subpoena hostile witnesses in his behalf and he's certainly, as I have explained, deprived of that constitutional guarantee that he will be free from cruel and inhuman punishment. Here we have a judge who writes the rule of law, who cites an individual, who is the prosecutor, who is the judge, and he imposes a jail sentence that is entirely within his discretion. Now, if that is not a high road to tyranny, my friends, I do not know what you would call it.

The bill will take over our schools and will take over elections within the state and the reason for that is very simple. A federal judge will give a plan for the operation of schools as they have been doing, and then require the trustees to come up ever so often and report to him and secure further instructions from his hands.

Now, over at Monroe, Louisiana, under the laws of that state, and strictly in accordance with the statutes of Louisiana, 4,000 people were disqualified to vote under the voting qualifications of that state. There is no dispute that it was strictly within the law of Louisiana, and yet the Attorney General of the United States testified: "Yes, the purpose is to enjoin them and put those people on the register and to see that they vote and to jail a state official who would refuse to comply with the orders of a federal court."

It is the most far-reaching proposal, I think, that has ever been offered in this country. It is much more far-reaching than the force bills of the old Klu Klux Klan statute of the reconstruction era.

I am going to discuss several of the Supreme Court cases of recent date. Frankly, I think that this court knows better. I think any justice of the peace would know better.

Let's take the *Jencks* case. There was a man named Jencks, the head of the Mine, Mill, and Smelter Workers Union, who was convicted of perjury when he signed the affidavit required by the Taft-Hartley Act that he was not a member of the Communist party. His lawyers asked that the court, the judge, see the F.B.I. files to see if there was anything in that file that would help Jencks in his defense. The Supreme Court

went even further and the Court held that Jencks himself was entitled to that file.

The Narcotics Bureau has been to me with a bill to correct it. The Attorney General has sent us a bill. The Narcotics Bureau states that in those cases most of their information comes from informants, and if the accused can see the file they are not going to get the information, and that all you have to do is file a motion to suppress a search warrant and he would be entitled to a file.

I am going to give you some actual cases, actual matters as to how that thing works, information given me officially by the Department of Justice. I have read many F.B.I. reports. They contain general information. There was a dope ring, the leaders of which were indicted in Pittsburgh. They filed a request last week for the file of the Narcotics Bureau. That file contained information on the big dope ring in Chicago, and had the government given the file in Pittsburgh, the ring that was over those accused at Pittsburgh would have been tipped off, and so it was necessary to dismiss that case. It is a way that a criminal can find confidential informants of the federal government. The Department of Justice states that in dope cases, in counterfeiting cases, and in cases of that character they will have to dismiss several hundred in this country.

In Chicago there were two undercover agents who were shot and seriously wounded because they were discovered to be giving information. You can't enforce the law in the face of that decision. I know that in Civil Rights cases it would be beneficial if the accused had the investigation file to see who were his accusers, but this question is much bigger than Civil Rights.

You have got this now pending. In the city of New York a demand was made for the penciled notes of the United States Attorney when he was preparing a case for trial. It wasn't admissible in evidence, of course not, but a demand was made for those penciled notes. The judge took it under advisement, but he said that he might grant it, that the Supreme Court had opened the door and that he thought the Supreme Court wanted the door to stay open.

Last Monday there was a case in the District of Columbia, *Mallory v. United States*. I am going to go into this case before I go into the Communist decisions of the Court. The facts were these: there was a lady who worked for the government. She got off from work at 6 o'clock and went home and went down into the basement of her apartment house where they had washing machines for the use of the tenants.

A man, masked, came out and raped her and attempted to choke her to death. He left her for dead. She climbed up one flight of stairs

to another apartment. The next afternoon the police secured information that a man and his two nephews were involved. They arrested the three at six o'clock. Now, get this time element. The nephews demanded a lie detector test. The uncle agreed that he wanted a lie detector test. By eight o'clock those tests were given and the uncle confessed before the test was completed. Before ten o'clock they looked for a United States Commissioner to arraign him. They couldn't find a commissioner—he was out of town—and he was arraigned at nine o'clock the next morning. He was tried and sentenced to death.

Rule 5 of the Federal Rules of Criminal Procedure requires that a person must be arraigned without unnecessary delay. The Court held that confession inadmissable and Mallory the day before yesterday was turned loose. Now, here is a statement by Mr. Warren Olney, the head of the Criminal Division in the Department of Justice. "Now, here is what the Court held. This opinion said that police cannot question a suspect after his arrest. The place where the impact of this decision will be greatest is the gangster crimes. It is the real hardened professional criminals whom it will benefit. The housewife who shoots her husband usually confesses to the first person who comes along. This decision will not affect her, but when dealing with criminal groups police will be unable to question the hirelings who are caught first about the higher-ups they want to reach", and it goes on to say when they arrest a small-time gangster if he immediately confesses, that's good, but if an hour later he implicates the leaders in the gang, then that part of the confession is void.

The police chief in the city of Washington, Chief Murray, who is a very able officer, said this: "If we have a suspect we bring him to headquarters. If we have any evidence pointing to his guilt he is booked for investigation, then he is questioned about the case. Any alibi he may offer is run out and very often that alone clears him of any guilt. If he was on the scene or had been seen with the victim we ask him about that. We may have him take a lie detector test if he consents. Very often we can't complete the case before the man is brought in. In many crimes it would be physically impossible to complete the case under six or eight hours. Alibis must be checked. There are blood and chemical tests, fingerprint checks, line-ups, ballistics tests; all this takes time we do not now have. It is held that in the United States courts a criminal cannot be questioned by the police when he is arrested and before he is arraigned."

Monday a week ago should be known in this country as Red Monday. On that date the Supreme Court of the United States handed down three very far-reaching decisions. April a year ago they did the same thing, but this year they finished the job. Now, under the case of *Yates*

v. United States, Yates was one of the fourteen Communist leaders who were convicted under the Smith Act. The Smith Act contains—here are two of its principal provisions: first, if you teach and advocate the overthrow of the government of the United States by force and violence you are guilty, or, second, if you organize to overthrow the government of the United States by force and violence, you are guilty.

The facts showed, and it was not denied by the defendants, in fact, some of them in the Communist Party were listed as organizers—they were organizing cells, spreading the Communist movement and advocating the forcible overthrow of the country by force and violence. Here is what the Supreme Court said, that the Communist Party as it is now constituted was organized in 1945; that at that moment the organization ceased, regardless of the fact that it was an expanding movement, active at the present time. The three year statute of limitations had run, they said, by 1948. These indictments were returned in 1951. therefore, they turned five of the Communists loose. That was the first time in the history of this country that the Supreme Court of the United States has discharged one indicted for crime. But think—organization, it said, stopped when it was set up, and the fact that they were later organizing to overthrow the government had no place. Now, here's what it means. Today you can form a Communist cell whose avowed purpose is to overthrow the government of the United States by force and violence and those organizers cannot be indicted under the Smith Act. And the decision went on to say this, and I think under the act, and I am confident the Department of Justice thinks this, that it will be absolutely impossible to convict a Communist in the United States courts, and remember last year in the *Steve Nelson* case from Pennsylvania they held that the statutes of forty-two states against Communist subversion were void because the United States had pre-empted the field. Now they say that the United States has no power.

And that same day there was the case of *Watkins v. United States.* John McClellan has done outstanding work, but that decision destroyed the power of the McClellan Committee. It destroyed the power of every committee that investigates Communism, and furthermore, it sets the Court up as policing the powers of Congress to legislate. That is just what it means.

The Constitution of the United States gives the American Congress the power to secure information as a basis for legislation. It gives us the power to make witnesses testify, under the penalty of contempt, to give us the information necessary to legislate. We have three equal branches of government, the legislative, the executive, and the judicial. Each is paramount in the field in which it operates. They held there that the

Court could inquire into the legislative intent as to whether or not the American Congress should seek information of certain people, that that power belonged to the Supreme Court.

They added a provision to the United States Constitution. The First Amendment provides for freedom of speech, freedom of press, the right to peaceably assemble and petition the government for just grievances. They added a fourth one. They said there is a right under the First Amendment of political association and that the Communist Party was just another political party. Why, you could have taken those words out of the mouth of Earl Brower, who has maintained that it is not a conspiracy seeking to overthrow the government, but it is just another political party.

Here is another stinger in that decision. It held that before you can question a witness you have got to explain to the witness's satisfaction that the question is pertinent.

To begin with, with a snarling Communist or a man like David Beck, if you have to show why a question is pertinent, you tip your hand. He knows what to say. Why, you gentlemen have tried enough lawsuits to know that, and yet now the Court holds that here is an added right to the First Amendment, the right of free political association.

And that same day there was the case of *Sweezey v. State of New Hampshire.* Mr. Sweezey was a college professor. The New Hampshire Legislature had created and empowered the Attorney General of New Hampshire, Mr. Wyman, to investigate subversion within the state. He called Sweezey, and Sweezey was an employee of the state, and asked him about speeches that he had been making and what he was teaching in his classroom, and asked him if he was not teaching Communism to his students. He refused to answer, and the Court held that under the First Amendment there is a right of academic freedom and that he could not be questioned. It said this, and it's a strangle rule of interpretation of the Constitution, that the First Amendment applied more to school teachers and college professors than it did to any other segment of our population.

In my internal security investigations, a witness can testify what his actions were. He can admit that he has been a member of a Communist cell, but he can refuse with impunity to name a single other member of that cell and any of their activities. It's depriving the Congress of the power to get the facts or the basis for legislation, but worse, or just as bad, it is placing a cloak of immunity around Communist activity in this country, and that has been done.

Thank God for one thing. When we had nothing but the *Brown* case, that was a local matter—it was a lot of prejudiced southerners who

wanted to persecute Negroes. Why, of course, they ought to go into the schools. That's just a local matter, but thank God it has now become a national matter. I have had the staff of the Judiciary Committee to carefully check the newspapers of this country, and over ninety per cent of them today are attacking the Supreme Court of the United States and are stating that the Court must be curbed.

I am confident that the Senate Judiciary Committee—and by an amendment to the Constitution is the only way you can reach them—will act in the near future. I have had senators from both political parties from every section of this country to come to me and tell me that for God's sake, Jim, we have got to act or we are going to lose our government. Senator Johnson and I, and other members of the Committee have also asked to sign—of both political parties, and it was voluntary on their part, have authored an amendment to the Constitution that provides this, that a judge of the Supreme Court, and it is applied only to the Supreme Court, must be confirmed by the Senate every four years. And that the present things—the present things we have got on there must be confirmed within six months, after its adoption. Now, you know if there was a chance of those folks being confirmed if that was adopted—they have been accusing me of being able to sit on things, you haven't seen anything yet. The Court has become a policy-making branch of the government. It is therefore subject to the will of the people or to the elected representatives of the people, and that is the reason that we have proceeded as we have. I know several of the justices. Two of them are good lawyers. The Chief Justice doesn't know any law, but he is a man of tremendous personality, and he has left his mark. My own judgment is that he is influenced by Mr. Justice Black and Mr. Justice Douglas, and that he influences some other men on the Court, one or two of whom are good men. What the outcome will be I do not know, but I do know that people all over this country are on the march to curb the Supreme Court.

FRIDAY, JUNE 28, 2:00 P. M.

The meeting was called to order by President Roberts.

Mr. Chester L. Sumners of Oxford, Chairman of the Law Journal Committee, presented the Editor of the *Mississippi Law Journal* who presented the Report of the Editorial Board of the *Mississippi Law Journal*.[1] Upon motion and second this report was adopted.

President Roberts acknowledged the filing of the Report of the American Citizenship Committee.

[1]All committee reports will be found in Appendix A.

Mr. Lester G. Fant, Jr. of Holly Springs presented the Report of the Committee on Procedural Reform.

President Roberts acknowledged the filing of the Report of the Memorial Committee.

Mr. J. Kearney Travis of Hattiesburg presented the Report of the Budget and Finance Committee. Upon motion and second this report was adopted.

Mr. J. O. Moss of Lucedale presented the Report of the Coordination of Bar Activities Committee.

Mr. Gibson Witherspoon of Meridian then introduced David F. Maxwell, President of the American Bar Association, who delivered the following address:

ADDRESS OF THE PRESIDENT OF THE AMERICAN BAR ASSOCIATION

*David F. Maxwell**

It would be very ungracious of the President of the American Bar Association to come to Mississippi without a word of thanks from the official family of the American Bar Association for the splendid contribution that all the lawyers in Mississippi have made, particularly in the last few years. It was two or three years ago that we first came to you and we said, "We have visions of a great Bar center in Chicago, and we wish to establish a foundation, and we want your help", and so you gave generously and promptly of your substance and the quota assigned to the State of Mississippi was easily reached. Then last year we came again to you and we said, "We only have 55,000 members of the American Bar Association. There are 241,000 in this country of ours. We want to be truly representative of the Bar. We are going to put on a membership campaign", and once again you took off your coats and rolled up your sleeves and went to work, and as a result the Mississippi quota of new members was shortly reached, and so as a result of your efforts here in Mississippi and of the similar efforts of the lawyers all over the country, we now have in Chicago the greatest Bar center of its kind in the world today.

We have a plant that has been conservatively valued at two million dollars, an architectural as well as a functional gem. I wish that those of you on your next trip to Chicago would go down to the midway on the University of Chicago campus and look at it. It will be well worth your effort. We have more than ninety thousand members and are rapidly

*Member of the firm of Edmonds, Obermayer & Redmann, Attorneys at Law, Philadelphia, Pennsylvania.

approaching one hundred thousand or more, and we have an income for the work of the organized Bar of substantially in excess of one million dollars per year. So I say to you that you have given us the facilities, you have given us the personnel, and you have given us the income with which to work. By those tokens you have demonstrated your confidence in us. It is now up to us to keep the faith with you and put those things to work in the interest of the organized Bar, the lawyers of America, as well as of the public, and so this year we have dedicated this administration of the American Bar Association to service for lawyers.

Now, I make no apology for that, because I think the most important thing that we can do in this country today is to keep the lawyers strong economically and politically independent. Lawyers by training and precision are best qualified to keep the public advised on the great constitutional issues of today. They are best by their experience and precision able to defend the liberties which our forefathers fought so hard to win for us. Where else in the world could you hear a more courageous statement, a more forthright statement than was made in this room this morning by your President, Mr. Roberts? That is the sort of thing that we lawyers are equipped to do, that we should have no hesitancy in doing whenever the public requires our advice on the great constitutional issues of the time.

If I had any doubt about that fundamental principle it was completely dissipated on the occasion of a visit last summer as a member of the American Bar delegation to the Soviet Republics. There the lawyers have been shorn of every vestige of independent thought and act. They have been completely downgraded. What you heard this morning from your President or from your senior Senator would be no more possible there than it would be on the moon, and if it did happen the people who were responsible for it would find themselves in Siberia the next day.

The lawyers of Russia have been reduced to becoming members of a labor union, and it isn't a labor union of Russians or lawyers only, it's called an installation of government workers, and that installation of government workers to which all lawyers must belong in the Soviet Republic is controlled by a group of eleven men called the Committee, which runs it in the same manner as the Presidium of the Soviet Republics of eleven men control the fate of more than 200,000,000 people.

That committee of eleven men fix the fees, send out the bills, collect the fees and distribute to the lawyers seventy per cent of whatever they happen to earn in any given case. It is no wonder therefore that the lawyers in the Soviet Republics are far down on the totem pole when it comes to income. The average lawyer as well as the average judge behind the iron curtain makes the munificent sum of approximately thirty-six

hundred dollars per year, which doesn't begin to represent that kind of buying power in the Soviet Union.

There is no wonder that that situation is true, because there is little for lawyers to do there. All of the property is owned by the government. There is no dispute between various industries representing private enterprise. Everybody has to account to the government for what they do, even to the vendor of shoelaces on the corner of the streets, and so consequently the lawyer has been reduced to handling simple disputes which arise between citizens, petty thefts and other minor criminal actions of no importance.

That must not happen here. We lawyers here must be kept free to speak out and to represent the true issues of the day, and so when we came back from Russia we resolved that in this administration we were going to do everything in our power to help the lawyers in this country grow economically strong and to maintain their political independence, and in the few minutes that I am going to take today I would like to give you a few examples of exactly what we have done.

In the first place, we have brought to you beginning last September a new paper called the American News Bulletin, which is published monthly and distributed among all members of the Association. Through the medium of that bulletin we try to keep you informed of the activities of the Association, but what is even more important, we try to keep you advised of the legislative program. Just before I came away from Chicago on my last trip there, I had our library research the number of bills on which the American Bar Association has taken a position which are pending in the current Congress or which have been pending in other Congresses. There were 113 resolutions adopted by the American Bar Association taking a position one way or another in current legislation pending in the Congress, so you can see the importance of publicizing that program through the medium of a bulletin of this kind. We are now going to retain the services of a young lawyer in the city of Washington to follow up this legislation and see to it that the various committees and sessions responsible for shepherding it through the Congress are kept constantly advised of its progress so that they will know at any stage of the game just what the status of it is and whether it is necessary for them to do anything in connection with it.

Next on the program we brought you two years ago a policy of group insurance covering those of our members up to the age of fifty-five years. As you know, that insures your life at a very low cost on a group basis up to six thousand dollars, but we weren't satisfied with that, so this January we brought you a new contract under the terms of which those members between the ages of fifty-five and seventy, can get

a five thousand dollar policy of group life insurance at the lowest cost, I believe, that such insurance is obtainable in this country today. Already more than twenty-five thousand of our members have availed themselves of that type of protection.

In the third place we are doing everything in our power to obtain the passage of the Jenkins-Keogh Bill. That bill would permit all self-employed persons in this country to set aside up to ten per cent of their income into a recognized pension fund upon which federal income tax will be deferred until they reach the age of retirement, the age of fifty-five, or sooner have necessity to take it down.

Now, that bill does not in any way put the self-employed persons of this country in a position of asking for a government dole. This is not a hand-out. This is a privilege which we ask simply to put the lawyers and other professional people, the farmers and druggists and small business men, on the same parity with the executives of most of our large corporations and the employees of most of the labor unions.

At the last report I am told that there is more than forty billions of dollars in such pension funds at this time, the beneficiaries of which are executives of large corporations and members of labor unions, upon which no tax has as yet been paid either by the corporations who have been allowed it as a business deduction, or will have to be paid by the individual who are beneficiaries, until they reach the age of retirement. Now, that's the same privilege which we are asking for the self-employed of this country. The American Bar Association was instrumental in creating the American Thrift Assembly, composed of approximately thirty organizations representing the self-employed of the nation who will benefit from the adoption of this bill, and they have been making a concerted effort in the current Congress to induce the Congress to pass this bill. Unfortunately, at the moment it is bottled up in the Committee on Ways and Means, because the Treasury Department has taken the position that this will be very costly to the government and unless there can be a general tax reduction they do not want to grant relief to any split or group. We do not view it, though, in that way. We think this is a bill to correct an injustice in our tax law, but it will take the strong support of all of your friends throughout the country who are self-employed to get this bill through the Congress.

I don't know how many of you have practiced in the field of administrative law, but I am sure that a great many of you must at least practice tax law. Now, if any of you have had the naive idea that you could go to Washington with your client and present your case involving a tax issue before the Treasury Department without further ado, you are about to be sadly disillusioned. Of seventy-two administrative agencies

and boards and departments in Washington, of which at least thirty conduct adversary proceedings, ten of them have their own rules and regulations for admission to practice before them, and of those ten the Treasury Department spends annually three hundred thousand dollars of the taxpayers' money to investigate the character of the lawyers who want to be admitted to practice before the Treasury Department. It is the position of the American Bar Association that if you are good enough to practice before the Supreme Court of Mississippi, you are good enough to practice before any administrative board or agency in Washington without going to any further trouble. So, therefore, we have caused to be introduced in the present Congress an Administrative Practice Act, one of the provisions of which is a statement of principle that any lawyer can practice before any court or tribunal upon certificate of the supreme court of the state where he is admitted to practice, provided at that time he is not subject to disciplinary proceedings.

That, of course, is a part of the administrative code which has to do with lawyers particularly, but the code proposes to establish more as principles of law in the public interest than simply would be involved selfishly for the benefit of lawyers.

You remember that when at the instance of the American Bar Association there was adopted by the Congress in 1946 the Administrative Procedure Act there was effected an internal separation of powers. Prior to that time the investigatory, the prosecuting, and the adjudicatory powers were invested in the same agency and frequently in the same man, very much approaching the present system of the so-called people's court in the Soviet Republics.

That created a stir throughout the country which made the people rise in their wrath and eventually under the leadership of the American Bar Association reforms were accomplished to the extent that there was an internal separation of powers so at least the hearing officer did not also investigate and prosecute the case. That has not as yet gone far enough, because we in the American Bar Association believe that there should be a complete separation of powers where the hearing commissioners will be divorced altogether from the agencies themselves and not beholden in any way to the persons who appoint them through political means, and that they should be freer to judge the issues which come before them, so we propose to do it in two ways and these are reforms which are embodied in this present bill which was introduced in the current Congress. First, to elevate the status of hearing commissioner so as to give them tenure of office and independence of the officials who appoint them, and second, in the areas where there are adversary proceedings which have been developed to the point that a record has to be

made, to transfer the adjudicatory functions of the administrative board and tribunal to courts of record under the third article of the Constitution so that the public of this country will be assured of a fair and impartial trial not influenced in any way by the people who have investigated the complaint and who have prosecuted the defendant before the commissions themselves.

Next, a discrimination against lawyers exists in this country in the armed services. Those of you who have recently had occasion to serve in the armed forces of this country know that the government discriminates against lawyers in favor of doctors and dentists, and yes, even veterinarians. When a graduate dentist or a doctor or a veterinarian, whom the government no longer uses, goes into the service they are given a higher rating and more pay than the lawyers of the country. We in the American Bar Association feel that our lawyers are as good in their field as the doctors and dentists are in their fields, and that therefore they should be put on a parity with the other professions. Just before I came away I received a letter from the Judge Advocate General of the Navy that our campaign to accomplish this result is beginning to bear fruit. Now for the first time our boys who are going into the Navy and who are assigned to justice school after having graduated with satisfactory grades and being selected for service in the Judge Advocate General's Department are being given the rank of lieutenant junior grade, whereas heretofore it has been ensign. That is a step in the right direction, but it should be extended to all services and it should apply to pay as well as to rank.

In the field of public relations and in the field of unauthorized practice of law, the American Bar Association in this past year has increased the appropriation to both of those committees. We are now working particularly in the field of public relations in wide areas to promote the proper presentation of the lawyer in his true relation to the public over the television programs, the radio programs and the public press and in magazine articles. In addition to that we have been working with the American Medical Association in the production of six films, two of which have already been finished, which attempt to portray the lawyer in his proper light in the conduct of a personal injury suit, which present him as he really is and not as a two-horned monster as so many doctors think he is when the doctor gets taken over in the cross-examination of a personal injury action.

In the field of unauthorized practice of law, I don't know whether you in Mississippi are aware of this, but there are certain central focal points in this country where much higher verdicts can be obtained in federal employee liability cases than in the State of Mississippi. There are a group of lawyers in this country which have been running these

cases across state lines through ambulance chasers as exposed in a Yoder article of March 23rd in the *Saturday Evening Post* and funneling those cases into the big metropolitan centers where they can get the largest verdicts for their clients.

Now, that has been made possible through a very clever machinery set up by labor unions. The labor unions designate what they call area counsel, which doesn't necessarily have anything to do with a particular state or a particular county. The areas are chosen according to the district through which the railroads run. For example, the lawyer in Chicago covers the whole Pennsylvania Railroad from New York to Chicago, and any accidents that happen on that line are funneled into the labor union operating out of Chicago. That labor union in turn retains 16 counsel, area counsel, throughout the United States, and every personal injury action in that area of an employee of a railroad company is funneled right into the hands of those particular law firms. The Chicago Bar Association brought an action to restrain that practice as being improper, not only from the standpoint of unauthorized practice of law, but also from an ethical standpoint, and the American Bar Association Board of Governors authorized the Association to intervene in that case, and the American Bar has intervened and has filed a brief *amicus curiae* to try and stop that practice so as to keep the cases of railroad accidents in Mississippi, for example, among the lawyers in Mississippi and not have them to go to some other state.

I wish I could take the time to bring you the many other facets of our program which we have developed in the public interest, but I am limited in time and in the balance of five minutes allowed to me I just want to comment for a few minutes upon the facets of our program in the Foundation side, as distinguished from the Association side. The Foundation side, in effect, is a *pro bona publico* side of the Association effort, and we have a large staff out there constantly operating in the areas of interest mainly to the public. Your President in his address this morning mentioned that there was an area of criminal law which he thought could stand improvement, and I think he would like to know that under the auspices of the American Bar Foundation we have had under way a nationwide study of the administration of criminal law. That, as your President pointed out, is long overdue and is much needed. At the present time we have completed the field studies of the operation of criminal law from the detection and investigative stages on through the prosecutor's office into the actual trial stage, to the sentencing and later on the parole. The pilot stages of that study have been completed in three states, Wisconsin, Kansas, and Michigan, and the information gathered in the field from the complete study of the system of adminis-

tration of justice in those three states is now being catalogued and assembled and correlated in Chicago. We expect a final report of the result of that study to be available for presentation to the Ford Foundation, which made it possible by a grant of over half a million dollars, in October, and if that pilot study demonstrates that some good can come of this sort of a methodical analysis of the administration of criminal justice, it is our intention to apply to the Ford Foundation for an additional grant of one million three hundred thousand dollars to carry on the work on a nationwide basis and into the federal districts.

They are attempting in this survey to go into it with a completely impartial point of view, without any preconceived notions as to where the system is defective or as to where it is good and where a particular area has some good features they will be reported to other areas where they have defects, that the effort will be made to make recommendations for correcting them.

Next, there is under way in the Foundation side of the Association a preparation of annotations to the model corporation codes throughout the United States which will be of inestimable public benefit but will also be of real value to the Bar.

The third great project that has been going on out there in the last two years is a survey of the canons of professional ethics. There has been no real survey made of these canons since approximately 1937, and then it was on a very cursory basis. We are living under different conditions these days. The question is whether the ethics as spelled out by our forefathers still apply with equal efficiency today. We hope to develop from the study that is now being made by a special committee of the American Bar Foundation areas in which the canons should be changed, if any.

It has been a great pleasure to have participated with you in this meeting, and I appreciate the opportunity of being with you.

Mr. George E. Morse of Gulfport, President of the Junior Bar Section, presented the Report of the Junior Bar Section.

President Roberts then introduced Judge S. B. Thomas of Greenville who delivered the following address:

VOLUNTARY PRE-TRIALS

*S. B. Thomas**

Some twenty years ago the American Bar Association, under the direction of a very eminent group of judges, lawyers and law professors, made a study on the revision of the procedural rules. They were considering why there was so much unrest among the public generally with

*Chancellor, Ninth District, Greenville, Mississippi.

our procedural law and with the law in general. Under the leadership of the then Chief Justice of the Supreme Court of New Jersey, the late Arthur T. Vanderbilt, who was then President of the American Bar Association, they formulated certain rules and regulations hoping to bring about some what of a procedural reform in our way of doing business as lawyers. High on that list was the pre-trial conference.

The following year, 1938, the Supreme Court of the United States appointed a committee to formulate rules for the Court. Now, we are all familiar with the court rules, but in those rules they have a rule on pre-trial. We know that that pre-trial rule in the federal court is permissive and not mandatory, but it's used by the vast majority of the federal district courts in this country.

Again coming to our aid in procedural matters, the American Bar Association in 1940 had a special committee appointed to make an exhaustive study of procedural law, and high up on the list was a recommendation for pre-trial conferences for both state and federal courts.

Having spoken of pre-trial conferences, for the benefit of some few of our people who don't understand just what is meant, I think the best way to define it is for the court and the attorneys to get together, sit down and discuss the matter that's to come before the court, and out of that discussion formulate the facts which are going to be applicable to that particular case, and apply those facts in view of the law applicable to that particular case. In other words, strip the facts of all non-essentials, so to speak, as some of the farmers say they use a combine, they go out in the field and they will combine their oats and wheat and they will separate the wheat from the chaff, and when they take their oats or their wheat to sell it, it is supposed to be clean, and the man buying it knows what he's buying. If the pre-trial conference is conducted as well as a good combine, when the lawyers come in for the final trial they will have separated the good grain from the bad grain and we will know what is supposed to come before the court. You have so often seen when the court will rap order, you look out over the courtroom, here is a mass of witnesses, and the court will announce a case for trial and the lawyer gets up and says "Well, if Your Honor please, will you give me a little time to confer with my witnesses?" Now, he has brought a lot of foreign matter along with his grain there in court. He is going to take up the time of the court while he confers with his witnesses. He is going to try to hand-combine, and then he is going to try to throw it all on the court and then if the court finally understands what the lawsuit's about, he'll say "Well, he's a fine judge, he found out what the facts were."

Now, gentlemen, that, in short, is our conception over in the ninth

district about pre-trial. We don't have any preconceived ideas. We have had committees appointed by the bar associations of the various counties and we came up with a pre-trial, and I would like to refer to it as the A,B,C. We say in our little rules over there lawyers in Mississippi, judges in Mississippi are beginning to use pre- trial, and they are beginning to find it effective. In 31 states of the union they have it established either by legislative fiat or by court rules. It just so happens that you don't have to have any legislation to establish pre-trial. It is not essential. The court in its inherent power can establish it, but it is said to be better to have legislation because it gives more standing to the procedure. It sort of stereotypes the procedure. Over in our district we have the rule that in a contested action upon agreement of counsel the court may request the attorneys for the parties to appear before it for a pre-trial conference to (A) state and simplify the issues to be litigated and amend the pleadings of the parties; (B) obtain admissions of facts and documents that will avoid unnecessary proof; (C) consider such other matters as may aid in the disposition of the case. We have some rules that implement that A,B,C. We have a rule that the court file should remain with the clerk, should be there 10 days at least before court convenes, so that the judge may look at the court file and find out what the lawsuit is about before he goes into conference. Frequently the court will get ready to try the case and the lawyers will have been working on the pleadings for months and will come and hand them to him, say "Now, Judge, this is the lawsuit. We will give you five minutes to look it over and expect you to know all about it."

Now, we have those court files there, and when we go into the pre-trial conference the judge has the advantage of having read the court file. That's number one.

We like for the original pleadings to remain on file with the chancery clerk. We know that sometimes the lawyers want to take them out. We think it is better practice for them to buy copies. We feel over in the ninth district that when a man is sued he has got a right to go to the clerk's office and find out who is suing him and what it is all about, and it is sort of embarassing for the clerk to have to tell him "Well, brother, you got sued, but the man who sued you got the papers", and we feel this should not be. There's nothing new and novel about that procedure.

The next procedure we have is that we say that as soon as lawyers have agreed on settlement of a case they needn't keep it a secret, and the clerk can tell it to the judge and when they get ready to set the docket he will know that case is not going to be set for trial.

And another rule that we recommend is that the lawyers before these pre-trial conferences, avail themselves of the tools which we now

have. We have Miss. Code Ann §1712 (1942), and that authorizes the taking of interrogatories of the complainant and defendant, known as the adverse party statute. That statue can be used very effectively, and we think and we hope that the legislature will amend the statute and substitute the word "depositions" for "interrogatories".

Mr. Roberts, the President, has pointed out time after time that we need some help on these depositions, and I believe that the time will come. If you have the depositions of the complainant, and if you have the depositions of the defendant, you are going to pretty well know what they are arguing about. You are going to know pretty well what the difference is.

Then we recommend in our next rule that we use the discovery statute, that we avail ourselves of discovery, that we bring that into the conference.

When we have sat down and done that we take a look at the pleadings. All right, somebody wants to amend, well, we take charge of that. Somebody wants to demur. We get rid of that. We try to clear all the dilatory pleas, and then, when the case comes on for trial, you have had formulated what's known as the pre-trial order. That pre-trial order comes out as the result of this conference. That pre-trial order supersedes all of the pleadings in the lawsuit and is subject only to modification in the event something happens that was unforeseen or some injustice is going to be done. In that event it is modified on or before the trial.

I certainly appreciate this opportunity to appear here. I don't assume to speak for anybody but the lawyers in the ninth district. I don't say that these rules that we have are hard and fast. The rules that we have adopted are simple in principle. I personally feel that your act on your Study Committee schedule on pre-trial is a good act. Personally I would like to see it become law. I don't know whether my lawyers would like that or not. They may like the voluntary pre-trial better, but I do think I can say this in all sincerity, that we of the Ninth Chancery Court District have an abiding faith in pre-trial, and we without hesitation recommend pre-trial on a statewide basis.

Mr. O. R. Smith of Corinth then introduced Mr. Joseph F. Leopold of Dallas, Texas, who delivered the following address:

ADDRESS OF JOSEPH F. LEOPOLD

I have a few things that I want to say to you ladies and gentlemen. I seek no popularity at your hands. I have some things on my chest I think I am entitled to say by reason of my years and I hope relatively keen observation. I know this nation. I have traveled it for more than

40 years. If there is a town above twenty thousand in this nation in which I haven't appeared in the past forty years it is back under a tree or under a rock. I know America and I know its people. I know its lawyers, I know its doctors, I know its bankers, I know its business men, I know its various fields. I know generally speaking what they are thinking about, and that isn't what disturbs me at all. I am worried about what they are not thinking about, because I want to convince you that out of long and sober consideration that my best judgment leads me to believe that this is not the government under which I was born. Somebody has been tinkering with the machinery, and I don't like it. It hasn't come about through statutory enaction. It has come about through devious ways, such things as executive orders, such things as emanate from department heads, from that very ephemeral thing known as a general council mimeograph, from the sufferance of a public which has been totally willing to accept all of the joys of American citizenship and entirely too little of the responsibility that goes with it. That is the reason we find ourselves in the situation we are at present from an economic viewpoint. Your President this morning grabbed about one-third of the stuff that I wanted to give you in its real form because I have really been a student of those things for a long period of years. I have no illusions as to my importance or as to my mental ability, but I have been a student of government if I have been anything, and I am utterly disturbed that in the past generation a bunch of self-appointed do-gooders and .22 caliber ringfire short intellects have been in charge and they have given us some stuff which was not in the ideas or ideals of your forebears and mine who sat around these tables of what they hoped were mutual understanding to evolve the documents which gave this nation life and being. There is one idea that one of the purposes of this government is to promote the general welfare, and we have been promoting the hell out of it for the last generation, if I am any judge of what I see as I travel over the United States.

America has been very mistreated, and we are far afield from what was the original design, but there are two particular things that I want to touch upon today. I think they are extremely important, one of which I shall devote a small amount of time to because your President has touched upon it.

About a hundred and twenty-five years ago in the Andrew Jackson administration we were even in that distant period having trouble with Russia, then under a czarist regime. We as a nation were dependent upon that particular country for our supply of hemp for the manufacture of rope for navy use, and by executive order we established a little factory in Boston known as the rope walk for the manufacture or making of rope.

You ladies and gentlemen will be interested in knowing that it's still there, in full bloom, it's still doing lots of business, but from that very modest beginning this Medusa-headed thing has grown and grown until it threatens to engulf our economy. We find ourselves in the very anomalous position of our government itself having its own businesses all over the United States upon which it pays no local or state ad valorem taxes and certainly no income taxes, and whose records show, generally speaking; all are operating at a loss, becoming very active daily competitors with the men who must fill the treasury's coffers in order that we may not only handle the separate operation of government, but take care of wars, maintain security and preparation for more wars and, of course, cleaning up the messes of past difficulties.

That was a very modest beginning, and the average business man and woman, and even some lawyers in this country, know that Uncle Sam has been engaged in business, but I am confident that you know very little as to its wide spread.

Your President mentioned to you something about power, and power is a very large item, but if you will read the act that created the T.V.A. you will find that in the statute that there was no thought of any of the things that they are carrying out at the present time, and it was concluded that about two and one-half per cent of the idea would be power, and now it is about ninety-eight and one-half per cent.

That's only one of them. Everybody knows that the government has been engaged in transportation. Everybody knows that the government has been engaged, for instance, in the warehousing business, one of the largest in the world.

Those with military experience know something about the government being in the insurance business, and, generally speaking, you have heard about our being engaged in the southwestern and southeastern power administrations, and a few of those things, but I am confident that the American lawyer, even, doesn't know that Uncle Sam is engaged in a myriad of public enterprises and a legion of promulgations, not only in continental United States, but scattered all over the world. I am sure that even the women who are in this audience will be very much disturbed to learn that Uncle Sam is handling such things as the packaging of spices, the making of floor wax, the bottling of mouthwash, and even the manufacture of sausage and cleaning windows and comparable enterprises. They are scattered from here to who made the jump, and wherever we have air force personnel we have factories all over the world making wooden legs and false teeth and glass eyes, making shoes and clothing, no matter what the market may be here at home, manufacturing paint, chasing most of the tugboats off of our rivers, and up until

recently a very large operator in the field of the manufacture of liquor. You know when we acquired by purchase the Virgin Islands, its major manufacturing enterprise was rum, and Uncle Sam took it over, and until the Southern Baptists got on their back Uncle Sam was the biggest booze manufacturer in the world, and I doubt if there was a lawyer in Mississippi who knew anything about it, or even in the state of Texas—they may crow a little louder, but they do some thinking over there, too, and they didn't know it except in that group which I mentioned because they happened to have headquarters in that particular area.

I am confident that you didn't know that Uncle Sam had more than 200 barber lotion plants; I am sure that you didn't know he had 211 ice cream manufacturing plants; I am sure you didn't know that he made chlorine gas and that he made flags and that he made locks and bags for mail purposes; I am sure you didn't know that Uncle Sam was in this myriad of enterprises. You just mention it, and it is there.

This thing has grown. People talk to me about that creeping socialism is a popular shibboleth now rolling around on the public tongue, and I get utterly angry. Exclusive of land, and your President gave you the accurate figures in acreage—generally speaking, it is just fair to assume that Uncle Sam owns twenty-five per cent of every acre of the continental United States, and God knows how much more abroad, when you include some of our territories, such as Hawaii, Alaska, Puerto Ricco and the islands in the Pacific that we have recently taken over, but you will be interested in knowing that exclusive of land Uncle Sam's enterprises today have spread over the map to the tune that at the present time they occupy, according to the Foundation for Economic Education, a total of thirty-seven and three-tenths per cent of our annual productive American wealth.

Now, when anybody tells you that socialism is creeping, you look him squarely in the eye and profanely tell him that it isn't creeping, it is galloping, and in my best judgment it is almost here, but the best time to clean the house is when it isn't too dirty, and there still is some hope, and none other than the legal fraternity should afford the leadership to begin cleaning up things of this character.

We have a tremendous job ahead of us. These agencies, if they were sold, even to the tune of ten per cent of their present properly appraised value, would reduce our bonded indebtedness tremendously and the interest probably to the tune of close to three quarters of a billion annually. Only the good Lord knows how much is involved in investment in federal enterprises of that character. The Hoover Commissions says there is somewhere around 40 or 50 billions. The Secretaries of Commerce and Agriculture have hinted that it might run from 130 to 150

billions in value. As I say, only the good Lord knows. We don't know, you don't know, and every time a search is made, something new comes out. I have looked at the federal budget a good many times. You won't find a factory in it. you won't find a service in it, but you mention things and they are all there, and there is a reason for their continued growth, because whether you like it or not you had better begin to realize we are living, no matter what the label may be, under a labor government with a socialist complex, and these things are in that budget because all of your employees are highly unionized, and all supervisory help are under civil service status, and their grades, their ranking, consequently their rate of pay, is dependent upon the number of employees whom they boss or supervise.

It was very interesting to me to watch in the last Congress two subcommittees actively at work. If there were time, I would be willing to explain to you why for a period of a couple of years I was one of the lower forms of life known as a registered lobbyist, but they declared the act unconstitutional and I found that I didn't have to be registered, but these two subcommittees in the two houses, both headed by women, by the way, brought in unanimous reports. Congresswoman Cecil Ireland of the House subcommittee brought in a unanimous report recommending that the Congress memorialize the chief executive to get this country out of business as rapidly as possible, which simply was carrying out another recommendation made by the Shannon Committee nearly 30 years ago, and under Senator Margaret Chase Smith of Maine, a similar subcommittee was studying the same thing, and they, too, rendered an unanimous report. In due time it was calendared in the House. It was not a partisan measure. It received a unanimous vote, and then it went to the Senate and unfortunately it didn't get calendared there, because election time was coming up, the heat of the summer was on them, they all wanted to run home and campaign for re-election, and didn't anything happen to it in the Senate and the bill died, being carried only by he lower house, but when they came back in the fall something had happened. Every congressman and all of the senators had been waited on by their constituency, and they came back to Washington with the avowed purpose that they still wanted to get the government out of business, that it wasn't a partisan idea, but they wanted to get it out of business everywhere excepting in their own immediate territory and constituency and congressional district, and that is where the matter lies today, and it's going to stay there until you fellows rear up on your hind legs in a militant spirit with a figurative shillelagh over your shoulder and beat the whey out of the brains of the first guy you run into who has a vote in either the upper or lower house of our Congress.

It's time that lawyers were giving some leadership in matters of this kind. It's time that we were doing some thinking besides the beaten track of just back and forth from office to courthouse. This is one of the things which has been a very heavy contributing factor to the economic situation which we have today. The other is purely a question of taxation.

There is an ancient saying attributed to one of the leaders in this nation that the power to tax is the power to destroy, but we have had some very unusual things take place in this country, and we have had some laws passed which apparently now have been outgrown, but which today are still applicable to all the fields of business and have allowed peculiar things to happen. As I said a moment ago, if we were to sell a minimum of ten percent of all the government holdings, we would not only get a lot of cash on hand and promises to pay, but we could unquestionably produce new taxpayers to the tune of three billion upwards per year, but we have a host of agencies in this country that for quite a long period of years have been legally exempted from the payment of income tax. Everybody knows that when we founded this government we gave at least two agencies the right to be tax exempt, and they still are today, and nobody quarrels, althought they have prostituted the idea in some degree.

Originally we said that the church shouldn't pay any taxes, and our forebears who wrote those laws which were copied almost word by word by each of the states as they came into being, did likewise, but we meant the little church house and perhaps the little cemetery which surrounded it. We didn't foresee in that distant time that there might come a time in this nation when great funds would be left by someone who thought he was totally unselfish, but probably in the last analysis from a psychological viewpoint was the most selfish guy that ever was born, for he would leave a large estate and growing businesses to his church with the idea of perpetuating his name, and doing it, in the name of charity, and so today we have churches that are operating gigantic business institutions scattered all over our land, such things as hotels, and apartment houses, and real estate operations, and ranches, and radio stations, and textile mills, and what have you, scattered across the map.

We said that the schools shouldn't pay taxes, and we meant the little red schoolhouse and the very few institutions of higher learning that we had at that time. We couldn't even foresee an endowment fund at that distant period.

Some few years ago when these peculiar deals came about the yield wasn't very heavy from portfolio securities, and these boards of regents and management associations began the selling of their stocks and bonds and other securities and purchasing various kinds of business.

It is amazing to see the number of businesses of all kinds, of every kind of factory imaginable that today are owned by our higher institutions of learning. Fortunately in the last Congress they were taxed, and they pay full taxes, but it was only because some of us crusaded and howled loud enough that the halls of Congress reverberated, and our language was none too pure. They thoroughly understood it. But there are many other agencies of America that are still legally exempt from taxation, though certainly no longer they should be. They were package immunities, generally speaking, under Section 101 and Paragraphs 12, 13, and those following in the Internal Revenue Code, and it was a very peculiar picture. At that time you older folks will recall that our rate was two per cent and a two per cent differential isn't extremely large, but today the tax rate has gone up to fifty-two per cent corporate-wise and past ninety per cent for individuals, and it becomes an insuperable barrier to competitive success, and we have gigantic corporations across the country of varying character, some of which have been put together by some of you men, and the only variance in their charter between that and the standard tax-paying corporation is that they are mutually organized, and a few words makes the difference of many billions of taxes each annual period, and compels you and me as individuals and the businesses whom we represent to pay more blue chips in in order that these fellows may keep more in their pocket, and with the higher taxes that we have today these agencies continue to scoop all the earnings into their capital structure while the rest of us shell out a full fifty-two percent. I should give you an indication of the things that I have in mind because I have no whiskers to deceive any of them, and I don't represent any of them legally or otherwise. The word "mutual" is abhorrent in my lexicon in the general field of incorporated bodies, for, generally speaking, you can be suspicious when you see an institution organized with that word in its title that it is income tax free, or virtually so, and with few exceptions you find that is the truth when you examine it, except in the field of mutual insurance, and I don't refer to life insurance, because neither stock or mutual pay much in the way of taxes, but to their eternal credit be it said that in their annual sessions or convention which they call the American Life Convention they have memorialized the Congress successively for a period of time saying they were ready and willing to pay taxes, which, of course, would reduce your premium rate and mine if only the Congress would pass the law making it proper for them to do so. But in the other insurance fields of fire, liability and so on, they pay under a peculiar 1942 hybrid law only a tithe of the tax that is assessed and collected from the stock insurance companies. We have a whole host of those agencies, just

taking the law of the building and loan associations, in our larger cities today performing practically every function that commercial banks perform except having open checking accounts, and yet they are scot free of income taxes while the bank across the street, or a store, pays fifty-two per cent. In many of the states where we are not allowed branch banking, as in, for instance, my state of Colorado, and a good many others, there is no such stipulation against that activity on the part of the savings and loan associations and they have branches all over the city, all over the county, all over a very wide expanse of area. They have grown one hundred forty per cent faster than have the banks in this country. There is a very definite reason legally, since they pay no income taxes, why they can pay a higher interest return to you folks and still have fatter salaries than many of our bank executives, and it all lies in one little kink of the law. If you read the law superficially you would think that they were paying income taxes but if you examine it carefully you will find that they are allowed a twelve per cent cash reserve as against bad debts and the banks can only lay up five per cent or hope to get that high, and most haven't got it, and twelve per cent of their total cash reserves from every outstanding share account, and anybody that puts a dollar in or borrows a dollar from the federal or state charter is automatically a member of one of those associations. I have no quarrel with them. In my early legal experience I incorporated a couple of them myself, and they are still in business and doing extremely well. They have done a monumental job in our economic picture in the history of this country, but they are demonstrating by their own financial statements an ample ability to pay upon a parity with the rest of us.

You have even heard of production credit associations with the word "little," and the word "little" is always used — the little credit unions — and if there is anything in the world that angers me it is to see some great officer of U. S. Steel or some giant corporation stand up and make one of these pleas to God and to everybody else and to the American business man in the name of free enterprise when he is nurturing one of these things in his own bosom, and then when you get him pinned down he says that he has to do it as a fringe benefit for labor. When some of these giant corporations have these things subsidized in their own household to the extent of free rent, free book work, free legal advice, free accounting, free everything, free heat, light, rent, the headquarters, the whole business they give them, and then on top of that give them a check off the same as they do in their union dues for the repayment of the loans that they had signed. The interesting thing to me is that many of them have grown today until they have the power of paying millions of taxes and have gone completely tax free, and a guy can't carry water on

both shoulders in my book by hollering free enterprise out of one side of his mouth and buying mutual insurance or running a credit union for the benefit of his employees on the otherside.

We have got to be fair about this sort of thing. There is quite a list of those agencies. There are a whole lot more of them, and I can't name them all because of the limitations of time, but you will be interested in knowing something about the cooperative program, and I will guarantee you that there is no delusion in what I have to think about it and there is certainly no egotism in what I am saying, but I know, generally speaking, more about the history of cooperation than most of the people in this room or any other room, because I have been studying it from its own base on down to the present time. These agencies which started out as simple little units to purchase together a carload of fertilizer or seed grain, to own cooperatively a brood sire or something of that nature, or to market a few bales of cotton or crates of strawberries, now occupy whole page advertisements on the back pages of all ad publications in America, and they have grown to such size that the figure is appalling, and I give you one figure from Dr. Glenn O. Saxon of Yale University, who says that last year alone those agencies did a business volume in excess of 21 billion dollars, and, generally speaking, income tax free.

We have some more agencies. If there were time I would like to take a few of these things apart in your presence and show you what they call under the law a farmer cooperative, where they can have, one of them I know intimately and well, more than 900 retail stores, a lumber mill with 75 million hardwood capacity annually, more than 300 retail yards, 1100 plus producing oil wells, 17 refineries, more than 1000 miles of pipeline. having a big interest in a great chemical factory making lady-paint, lipstick, cosmetics of all kinds, and that's a farmer cooperative—hooey with that kind of reasoning and that kind of law!

That's the sort of thing that's going on in America at the present time, and you lawyers and I have been unwittingly the cause of it, or else we have been so hungry for a few fees that we have allowed these things to come about. They are not providential and not of the Lord. They have been quibbling about it in the public press for a period of time. You have heard a great deal about foundations and charitable foundations of every character, and they are not just what they look like on the face of them. I would guess that seventy-five per cent to ninety per cent of them are simply legal devices, the product of smart legal brains put together within the letter of the law for the sole and only purpose of the avoidance and the evasion of the payment of income tax, and we have prostituted the law so far that one of the race tracks in this country is today organized as a charitable trust, with its profits to inure for the

benefit of a nearby freshwater university or school, and apparently we are educating the youth of our future generations upon the profits of parimutuel machines. If that's good business, let's re-legalize the slot machine, the punchboard, the red-light district, numbers and lotteries, and the gangsters, devices of sin and what have you and give them some real dough.

That is the sort of thing that's going on in America today. That is the sort of thing that has happened in this country. It hasn't been too long ago, and I have personally made fourteen addresses to all the groups that would hold still in the city of Louisville, that some brilliant legal mind evolved the idea of taking Churchill Downs, the home of the best known race in the country, our annual Derby, and organizing it into a charitable trust for the benefit of the University of Louisville. I wouldn't say that it is dead, but it certainly is lying fallow and considerably dormant at the moment. The preachers are up on their hind legs, and I am not above infuriating a preacher if I think he can do any good in my particular crusade.

We have got a lot of those things going on in this country, and this nation is entitled to better treatment than it has been receiving at the hands of its general citizenry. You and I should be leaders in our respective fields. We should have some dreams, some hopes and some aspirations. Your forebears and mine dreamed of a country which they believed was perfect.

But you and I had better be a little more alert-minded. We need it in our business. We don't seem to have the ideals that we ought to have. We don't seem to have the hopes and aspirations we ought to have.

Now, ladies and gentlemen, when you get to your home, dream up something, put it down in writing, your goals at which to shoot. I close by giving you my own creed, in the hope that it might inspire someone to write down that which he believes in. It isn't necessary that you and I believe alike, because certainly we don't, economically, morally, ethically, or perhaps any other way, but this is my creed:

> "For as an American, I believe in God, a spirit eternal and supreme; in that universal intelligence evolves the constellations and the souls of Savior and men; in rhythmic variation as the function of creation, in the magic panorama of color, form and sound; and I believe in the soul and the freedom that impels our actions; in childhood's sweet motions and in the songs and dreams of youth; and in the parent's holy office, that it lends dignity and grace; but I believe in orderly freedom, impartial and humane, in the culture of intelligence and the sovereignty of reason and the verities of science; I believe in the inspiring songs and music and the

pageantry of art; I believe in the legion of the bold and the wisdom of the sages and the poetry inherent in heroes, and in the serenity of the saints; and as an American I believe in the spiritual ideals of the gentle Galilean, in the fraternity of service and work for humanity, and in the unchanging and immutable mercy and justice of God."

Mr. Vardaman Dunn of Jackson presented the Report of the Study Committee. Upon motion and second Items 2, 5, 6, 7, 8. 9. 13, 14, and 15 of the Report were adopted without discussion. After discussion, motions to table Items 3 and 6 were carried. A motion to send Item 10 back to the Committee for further study was carried. Upon motion and second Item 11 was adopted. Upon motion and second an amendment to Item 12, placing the word "state" before "agencies" was adopted. Upon motion and second Item 12. as amended, was adopted.

Mr. Earl Thomas of Jackson presented the Report of the Legislative Committee.

The meeting was then recessed until 9:00 A. M., June 29. 1957.

SATURDAY, JUNE 29, 9:00 A. M.

The meeting was called to order by President Roberts.

Mrs. Betty B. Tucker of Jackson presented the Report of the Conference of the Local Bar Associations. Upon motion and second the recommendations of the Conference were adopted.

Mr. Hugh N. Clayton of New Albany presented the Report of the Committee on Constitutional Rights. Upon motion and second the Report was adopted.

Mr. Dixon L. Pyles of Jackson presented the Report of the Professional Economics Committee. No action was necessary on this Report.

Mr. R. Pearce Phillips of Brookhaven presented the Report of the Lawyer's Business Affairs Committee. Upon motion and second the Report was adopted.

Judge Sidney C. Mize then introduced Congressman William M. Colmer of the Sixth District of Mississippi who delivered the following address:

ADDRESS OF WILLIAM M. COLMER

As a lawmaker for nearly a quarter of a century I am really chagrinned to admit that in no period of the republic's history has this

country strayed further from the sound philosophy and the principles of good government upon which it was founded. While I cannot escape my own responsibility as a member of Congress during that period for the assaults that have been made on the very foundation stone of our society, the Bill of Rights, I think you will find me recorded most often among the dissenters. However, those years of service in the nation's capital have afforded me an unusual opportunity to view the national scene at first hand, and I should like briefly to emphasize for you this morning some of the rocks and shoals that lie ahead.

I am sure that you as members of the Mississippi State Bar are as justly alarmed as I am over the ever-increasing tendency towards the consolidation of power in an all-powerful federal government at the expense of the states and the freedom of our citizens.

Jefferson, who contributed so much to the cornerstone of our freedom, warned that "It is not by the consolidation or concentration of powers that good government is effected. Were not this great country already divided into States, that division must be made, that each might do for itself what concerns itself directly, and what it can do much better than distant authority."

It was to prevent this consolidation of power that the Tenth Amendment to the Constitution was adopted, providing that, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

In the past few weeks I have heard so much about the Fourteenth and Fifteenth Amendments, but only when a few of us dissenters raised the question was the Tenth Amendment ever mentioned.

For more than a quarter of a century that mandate of the Tenth Amendment was scrupulously honored. On the few occasions when Congress, with an excess of zeal, invaded the domain of the States, the Supreme Court firmly pulled it back. Thus, when Congress attempted by the Civil Rights Act of 1875 to exercise the police power of the States by requiring the operators of inns, theaters, and other places of public amusement to serve white and colored people alike, the Supreme Court held the measure void. It told the Congress that neither the Thirteenth nor the Fourteenth Amendment conferred any authority for this interference with the conduct of private individuals.

How changed the situation today! Apparently the states no longer have any rights which the federal government is bound to respect.

Congress, I am sorry to admit, is partially responsible for this development. It has passed laws, expressed in vague general terms, empowering the federal agencies to regulate vast areas of our economy. Immediately these agencies set up all the trappings of bureaucracy. They

issue directives, regulations and interpretations, which, as time goes on, bear less and less resemblance to the act passed by Congress.

But the evil wrought by the executive and the legislative branches has been minor in comparison with the transgressions in the past two decades of the nine black-robed gentlemen who occupy the marble palace across the plaza from the nation's capital.

You won't find anything about "pre-emption" in the Constitution, as you know, but the Supreme Court, with ever-increasing frequency, is applying that doctrine to whittle down the jurisdiction of the state courts. Of course, in doing this the tribunal always professes to be carrying out the intent of Congress. The effect is the further centralization of power in our already powerful federal government. Among the most flagrant examples of this practice in recent months have been the *Steve Nelson* and the *Slochower* cases. In the *Nelson* case, you recall, the Supreme Court held, under this doctrine of pre-emption, that Pennsylvania's anti-sedition law was void. And in the *Slochower* case, the Supreme Court denied the right of the City of New York to fire a teacher who had invoked the Fifth Amendment in a congressional committee investigating his past membership in the Communist Party.

If this doctrine is permitted to go unchallenged, our state courts will become but empty shells. Yet remedial legislation, sponsored by a number of us under the able leadership of the chairman of my committee, Congressman Howard Smith of Virginia, has been languishing in committees of the Congress for the past two or three years.

More recently the Supreme Court ordered applicants admitted to the bar examinations in New Mexico and California, after the state board of bar examiners had refused to approve the applications and after the state supreme court in each case had upheld the motion of the examiners. This decision provoked the *Richmond News Leader* to appropriately editorialize that the Supreme Court of the United States had thereby "continued its studied campaign to obliterate the States of the American Union."

Of course, no one can conceive of a more flagrant digression from the doctrines enunciated by the founding fathers than the recent school segregation decision of the Supreme Court, in which the Supreme Court admittedly substituted its own political and social theories for legal precedent.

I digress to observe that in 1945 as Chairman of the Post-war Economics Committee it was my privilege to be guest, along with the committee, of the Swedish government at a state dinner. Seated next to me was a man who spoke fluent English. His name was Gunnar Myrdal. When he found out I was from Mississippi he told me that some few

years before that he had spent several weeks in the South, some of which were spent in Mississippi, studying the racial problem. You remember his book. It was this book that the Supreme Court relied upon among other things of a similar nature to substantiate its findings in the school segregation case.

Among the most recent attacks upon the American way of life as we have known it by the high court was the *Girard College* case just a few weeks ago. Here you will recall that Stephen Girard had set up in his will and testament a foundation for the education of white orphan boys. Now, after all these years of operation, the high court comes along and says that that will have to be set aside and they used as their reasoning the flimsy excuse that a board of the State of Pennsylvania administered the bequest.

Then again, within the past few days, this same court has made meaningless and ineffective the Smith Act. This law, sponsored by the chairman of the Committee on Rules, Congressman Howard Smith of Virginia, was overwhelmingly passed by the Congress of the United States for the avowed purpose, in plain English, of jailing the Communist leaders in this country who advocate the overthrow of our government by force and violence. Congressman Smith told me just a few days before I left Washington that he knew of no way to amend that law or no English that he could write more plainly that this Court would hold to be effective.

If a state no longer can fix standards of propriety and fitness for its teachers as in the *Slochower* case; if a state no longer can operate its public schools exclusively with its own funds so as to avoid domestic strife, as in the school segregation cases; if a state can no longer establish its own rules for appellate proceedings, as in the *Griffin case;* if a state can no longer pass upon the fitness of prospective lawyers who would become officers of state courts, then what, indeed, is left to the states? What, indeed?

And what, I am wondering, would the founding fathers say to all of this?

And how did this all come about? The answer is obvious. You will recall that during the early days of the New Deal when Meany and Roosevelt went to Washington, that the then President Roosevelt set out to pack the Supreme Court. The Congress, the representatives of the people, would not yield to that mandate. But providence stepped in, death and retirement, and successively under Presidents Roosevelt and Truman and now Eisenhower that purpose has been attained.

"There is no danger I apprehend so much" Jefferson wrote "as the consolidation of our Government by the noiseless and, therefore, alarm-

ing instrumentality of the Supreme Court." How prophetic! How different from the philosophy of Jefferson's principal antagonist, the federalist Hamilton with his plea for "complete sovereignty in the General Government," his proposal at the Federal Convention that "All laws of the particular States contrary to the Constitution of the United States to be utterly void," and his plan to prevent such laws from being enacted by having the governor of each state appointed by the federal government and given a veto over laws passed by the respective legislatures of those states.

From this handful of freedom-seeking men cast into the wilderness of the new world came those sacred principles and institutions guaranteeing the liberties and the freedom of the citizens of this Republic as we have known it. It is, indeed, an enigma that these sacred liberties, achieved at such an immense sacrifice, are now slowly but surely yielding to the iniquitous doctrines of the false advocates of liberalism.

The trend away from the Jeffersonian theory of government and toward the Hamiltonian concept makes one wonder if these pseudo-liberals, who are now predominant in our present day government, have forgot that it was Jefferson's and not Hamilton's views that prevailed in the writing of the Constitution of the United States and the Bill of Rights.

Only a few nights ago the President of the United States warned the Governors of several states of the Union in conference assembled of the dangerous trend toward centralization of power in the federal government in Washington at the expense of the sovereign states. I was pleased to hear this warning from the prestige of the high office of President of the United States. I wish, however, that his actions in such fields as the public school construction bill and the civil rights program were more consistent with the soundness of his argument for States' Rights.

And again I disgress to soy that in the House of Representatives a few weeks ago by an actual count of noses we had a majority committed for the jury amendment to the "civil wrongs" bill. It was a combination of the A.D.A., the C.I.O., the N.A.A.C.P., and I regret to say, the White House that reversed that situation to where we lost that vote when we computed it.

How different the Jeffersonian philosophy of government is from that of the self-styled liberals of today who loudly proclaim themselves, and you have heard them at the Jackson-Jefferson dinners of your and my party, while, on the other hand, sponsoring legislation to deny the basic right of trial by jury in the name of minority rights. I refer, of course, to the so-called Civil Rights Bill.

But before discussing the "Civil Wrongs" Bill further, please permit

me briefly to make clear my own position and my philosophy. I emphatically deny the idea and the propaganda that one who opposes this type of legislation is either a bigot on the one hand or a Negro-baiter on the other. I repeat here what I have said on many occasions, that I love my fellow man of whatever hue his skin, but in approaching these social and political problems one must be realistic and frankly face the facts of life. The Negro in the United States has made the greatest progress that any race of people ever made in a similar period of time in the history of the world, and he has made that progress under the guidance largely of his white brother.

Now, I say to you as I have said to my colleagues in the Congress of the United States, that you cannot overnight, either by judicial decree or parliamentary statute, take a race of people who just a few generations ago were savages in the jungles of Africa and a few generations less slaves in the bondage of serfdom in this country and place them socially, politically, economically and culturally upon an equal footing with another race of people who have had the benefit of thousands of years of Christanity, culture, education and those things that go to make civilization.

Yes, the progress of our black brother, like that of his white brother, must of necessity be slow. We in the South deplore this disruption of the good relations that exist among our people and are ever-improving.

Having just emerged from the hardest fought legislative battle of my service in the Congress of the United States, I can truthfully and sincerely say to you that this is not the innocuous and the moderate bill that its advocates pretend it to be. This bill is revolutionary. It is politically inspired with both major parties confessedly seeking minority votes.

If enacted into law it would set up under the commission provision a veritable gestapo with paid snoopers and informers, with the powerful arm of the federal government further invading the rights of the citizens of the sovereign states. Moreover it would, in effect, remove control and supervision of both our primaries and elections from the states into the far-off hands of the federal government.

Its proponents claim that its purpose is to permit the Negro in the South to vote, but its implications and its revolutionary machinery could only result in the deprivation of many rights and liberties now enjoyed by all of our citizens. The proponents admit that the alleged evils which they seek to cure are already covered by federal statutes. Under this bill they would resort to equity with the provision for the broadest type of injunctions. In fact, the bill is designed deliberately to deny the right of trial by jury. The gimmick, as we pointed out in opening

the debate in the House, is a provision for making the federal government the complainant and administering the law by the central government in Washington without the right of trial by jury. Those sponsoring this bill brazenly charge that the Southern juries, if the existing criminal statutes were pursued, would not convict.

This is an unwarranted indictment and assault upon the cherished trial by jury system, the cornerstone of our criminal jurisprudence throughout this country.

It is interesting to note in this connection that one of the chief proponents of this legislation is Congressman Emanuel Celler of New York. He is chairman of the Judiciary Committee, one of our northern Democratic brothers. Congressman Celler, in spite of my age and experience in the Congress, was in the House of Representatives when I went there, and just prior to the time that I went there he was one of the loudest exponents of trial by jury for those charged in labor disputes growing out of the use of injunctions.

Let me just read you, as I read to him on the floor of the House, what he said in 1932 when the Norris-LaGuardia Act was up that would give labor the right of trial by jury. Quoting Congressman Celler in 1932: "I have read injunctions so fantastic, so arbitrary, that they were practically but one step from a threat of jail to a striker if he coughed, spat, or chewed. Some injunctions read very much like orders of an army of occupation bent upon vicious revenge. Many injunctions are not used to protect property from irreparable loss, but issued to disorganize unions and to terrorize and intimidate those on strike."

And then, again, when the Taft-Hartley Bill was up, he said "In those days the judges, without hearing, issued injunctions based upon affidavits of stooges and stool pigeons and agents provacateurs. The abuses in the granting of these injunctions so aroused the nation that in 1932 we passed the Norris-LaGuardia Act which outlawed the granting of ex parte injunctions against labor. This bill would reinstate those ex parte injunctions against labor and would turn the clock back and return us to the robber-baron days and the days of the industrial buccaneer". That's what Congressman Celler said in 1932 and in 1947.

But the same Congressman Celler, who pled so earnestly for the right of trial by jury when labor was involved, argued most vehemently against our jury trial amendment, which would provide our state, county and municipal officials, as well as private individuals, the same right of trial by jury.

I might mention incidentally that the record discloses that when the Norris-LaGuardia Act was passed giving to labor the right to trial by jury that every Southerner with the exception of one voted for it, if you

could call him a Southerner. He was from Western Texas.

This proposed legislation is just another step in the conspiracy, if you please, and I choose my words wisely, or at least thoughtfully, of the modern false prophets of liberalism to concentrate the administration of government in an all-powerful centralized federal state. I would be as bitterly opposed to this legislation if there were not a Negro in the entire South.

But irony of ironies is the complete reversal of position between the conservative and the liberal elements of our society that has occurred in the nation's history within the past two decades. We are now told that centralization is liberalism. Jefferson called it "toryism in disguise", but by whatever name you call it, it can only wind up, if pursued, in complete totalitarianism.

The basic principles of human freedom are as invariable as the solar system. They are the same today in the nuclear age as they were in the musket and ox-cart days.

Strike down the power of states to control their own affairs and concentrate all power in Washington and you strike at the very heart of what made this nation great.

I have given you a rather dismal analysis of the picture as I see it of the future not only of the South but of the Republic itself. I wish I could with integrity and honor paint a different picture but I am sure that you and thoughtful Americans love this country and its institutions as much as I do and that you must share with me the genuine alarm at the assaults which are made upon the basis and the bulwark of the nation's fortress and its institutions, the Constitution and the Bill of Rights.

While it is true that the South is often the target it must be borne in mind that the real objective back of all of this is to remake America, the new world, along the line of the modern isms and ideologies of the old.

It would appear that the proponents of this program have succeeded in capturing through minority groups control of both of our major political parties. For the past two decades this movement has gained momentum. In this movement principle yields to expediency. And today both parties are the captives of minority groups.

Up until the past few years in my experience in Congress the conservative South and the conservatives in the Republican Party from the North were able to work together in holding the line, but now with the advent of New Republicanism, Modern Republicanism, and the all-out drive by those in charge of the Republican Party to recapture the Negro vote, which is so powerful in certain sections, the South stands

alone as the defender of the true Jeffersonian principles of liberalism upon which this great country was founded.

We find ourselves politically isolated. In spite of the fact that the South has been the bulwark of the strength of the Democratic Party for these many years—in spite of the fact that it has in the past two national elections furnished the only electoral votes, with the bare exception of one border state, in each instance received by the Democratic nominee for President, we in the South receive no consideration from the Democratic Party.

Yes, it is a hard statement, but you analyze it. It is a true one. We are merely taken for granted while those who control the party seek the support of the C.I.O., the A.D.A., the N.A.A.C.P. and other so-called liberal minority groups.

At the same time we expect no consideration at the hands of the Republican Party for the simple reason that we don't give them anything and we don't have any right to expect anything from them.

As one who tires of that treatment, and who is apprehensive of the grave and inevitable results, not only to our beloved Southland but for the Republic itself, I have long considered the avisability of a two-party system in our section. I have reasoned that under such a system the South would no longer be taken for granted but it, too, would be wooed by both parties. But again with this new Modern Republicanism and its active entry into the field of competition for the suffrage of minority left wing groups, I seriously doubt that this is the answer.

Therefore I am driven reluctantly but nevertheless driven to the conclusion that in this day when political expediency rather than high principles and motives of both of our political parties and our government itself are the rule of the day, where minority groups hold the balance of power, that the South itself, too, must become an organized political minority, so that it can at least fence with the N.A.A.C.P. in the party councils.

If our Southern leaders, forgetful of self-aggrandizement and personal political preference, will take the lead I am sure that the people of the South will rally to their cause; in fact, I think they are ahead of them. Then and only then will the South's once powerful voice be heard in the council of the party and be felt in the Congress of the United States.

With such unity the South would become the balance of power in both the party and the legislative programs. It would no longer be the whipping boy of the nation. Its strength, particularly in the Congress, would be considerably augmented by the gravitation of the conservative wing of the Republican Party.

Such a program, of course, calls for a crusade of the highest order. In it there is no room for Southern politicians who render lip service to the principles we advocate while they, at the same time, seek national political preference at the hands of those now in control of the party machine.

If, Mr. President, to the timid this proposal appears drastic and revolutionary, I answer that the situation is grave. It calls for new, bold and affirmative action. No longer can we afford to follow the path of conciliation and appeasement.

Surely the present path now being trod by freemen leads but to the ultimate surrender of all of our cherished, God-given institutions of freedom and liberty wrested from the tyrannies and oppressions of the past. Assuredly, even in this day of materialism, the descendants of Washington, Jefferson and Jackson have the courage and the will to see to it that America, the last haven of free men on earth, shall not perish from this earth.

President Roberts then introduced Judge Francis Zachary of Hattiesburg who delivered the following address:

VOLUNTARY PRE-TRIALS

*Francis Zachary**

We in the 12th Judicial District have toyed with the idea of voluntary pre-trial conferences and they have been, in my opinion, very successful. Our docket about a year ago carried about 100 to 120 civil suits and it is now down to about 20 and we went through the last term of court without a single jury trial, which you proponents of the jury system may think is wrong, but it has worked very successfully. I have for many years agreed with Judge Brandeis who said in an opinion in 1919 that the courts and judges have the inherent right to control their calendar or docket by any mode or means which would improve the expeditious handling of the docket.

I had never been quite satisfied with any docket setting method used by any judge of the courts to which my practice had been limited, so in searching for a new way to set the docket in the 12th district, and especially Hattiesburg where we are so crowded, I didn't like the method of waiting until court opened on the first day and setting the docket because lawyers by nature are reluctant to use the first week of the court term if you do that. I did not like the idea of calling the docket a week in advance because it really didn't give them quite time to get ready. If you set to or three cases for Monday, and two or three for Tuesday, and Wednesday, it required summoning witnesses from long

*Circuit Judge, Twelfth District, Hattiesburg, Mississippi.

distances and it required lawyers and the witnesses to stand around for many days without a trial. Of course, it is the easiest way for the court to do it. In searching for a way to better set the docket, I arrived at the theory of going to the clerk's office after process time had passed and going through the docket myself. Knowing all of the lawyers in the district and being somewhat familiar with the litigants I was able to determine what would be the lengthy civil trials.

I then determined the number of lengthy jury trials and called those lawyers over the telephone and told them that of course all you gentlemen know that the court has the right under the statutes of Mississippi to arbitrarily set the docket—we don't have any judges that do that that I know of—but in calling the lawyers to determine some two weeks before court opened if they were ready and if they were wanting an actual trial at the succeeding term, I found by accident that if you got the two lawyers together and discussed the case that you almost without any effort found yourself in the midst of a voluntary pre-trial conference. Now, I am one of the parties who would disagree with the resolution passed here yesterday for passing a statute in Mississippi for pre-trial. I don't believe we need it. We have about 200 reported cases over the country dealing with the voluntary pre-trial matter and it's the general consensus of the American Bar Association and other groups who have studied it, especially the judicial administration section, that any court already has the inherent right to a voluntary pre-trial. I am not at all sure that I would be interested in anything other than a voluntary pre-trial. However, if you have a right to set the docket you have a right to talk to the lawyers about the case. Any lawyer who is an officer of the court will certainly divulge to the court what his case consists of, both plaintiff's and defendant's lawyers. Incidentally, statistics show over the United States three out of four claims based on tort or personal injuries or death claims are settled in pre-trial conferences when adequately set up. I think we have a better record than that, but the way we use it is to ask the plantiff's lawyer if he would mind telling you exactly what he will prove, then if there are any motions or preliminary matters we try to handle them at the pre-trial conference. Two lawyers or three lawyers and a judge usually can sit down and work those matters out. If there is going to be any legal issue involved in the case, that is, an honest difference of opinion between the lawyers concerning a legal question, then I quite frequently tell them how my ruling on that particular matter would be, my mind of course subject to being changed by law presented at the time. However, at the end of these conferences we find that if the court is willing to state how it would rule if a certain situation should arise and if the lawyers have been frank to say what they could

prove and how they could prove it, and if there is going to be the introduction of documentary evidence it is agreed on at the time and mentioned as to the admissiability and those things thrashed out—and it would really amaze you how much time you actually would save by doing that. At the end of that conference some of the lawyers in our district are a little hesitant to approach one another concerning settlement. When this conference is over I very often ask if there has been any effort made to adjust the matter. If they are interested in discussing it further then the court is glad to sit down and talk with them. If they don't want to discuss it further, then we certainly do not—there is no coercion and no recommendations are made. That's why I like the voluntary pre-trial, rather than the mandatory pre-trial conference where you enter an order and your case is tried on that order. However, we don't do that, but we have found that by these simple procedures we are disposing of a great number of our civil suits. I think last term was an excellent example of it. We had twenty-one civil suits, any one of which would have taken two or three days to try, and disposed of every case and didn't use a jury.

I don't say that there is a cure-all, and I don't say that voluntary pre-trial conferences will improve to any great extent the handling of your business, but I do say this, if you judges would use it, if you don't gain anything else out of it, you know your case a lot better when the case comes up in court. You set it then for a day certain, you know that it is very likely that you have no chance to settle it, you are sure almost that you are trying that case, and when you try it you and the lawyers are more familiar with the procedure. You know what the witnesses are going to testify to, you know exactly what documentary evidence is going to be offered, you know exactly what expert witnesses are coming, and it would amaze you at the actual trial time that you save by reason of the preliminary meeting. We used this little procedure with a case not long ago and we were unsuccessful, not able to work the matter out. However, after a trial and after the verdict and some two months later the case was settled within about $4,000.00 of what the original pre-trial conference had arrived at. I certainly do feel that this is a matter which the judges, if they would investigate it and you lawyers would investigate it, would amaze you at the amount of time that would be saved in your court. It would amaze you how much it will help the judges and the lawyers to acquaint themselves with the facts prior to an actual trial, if you have a trial, and I personally feel that we do not need a statute or we do not need a rule. I feel that the judge already has the inherent right to set his calendar and if the lawyer files suit he certainly can tell the court orally the truth about what he expects the proof to be. It has

worked amazingly well for us. It takes a little bit of extra time for the judges, however, it is well worth it in the saving of time with your docket. It helps with the jurors by not keeping them tied up long. Most jurors are busy men, you don't keep them tied up long periods of time waiting on law suits that can be settled.

President Roberts then introduced Mr. W. S. Henley of Hazlehurst who delivered the following address:

JURY TRIALS

*W. S. Henley**

I want to call your attention to what some of the great statesmen and what some of the great leaders of the Bar have said on this subject in the past.

In investigating this question it appears that the right to trial by jury has existed for so long that we have no recollection of when it really was begun. Some say it was of pure Anglo-Saxon origin and attribute it to Alfred the Great, who ruled from 871 to 901. We find that it developed largely in England from the eleventh to the sixteenth centuries. There were great struggles and great fights in which many leaders of the Bar — Bacon, Cole, Burke and others — took a leading part. We find that this jury system has been carried where the English people migrated. In an early Pennsylvania case it was stated that it was one of the inherent rights of every Englishman, wherever he might go, and we have carried it to America, Australia, India, New Zealand and South Africa. Section 2 of Article III of the Constitution provides the trial of all crimes except in cases of impeachment shall be by jury. Randolph and Mason did not regard that as sufficient protection and refused to sign the Constitution. As a result the Bill of Rights was prepared and the Fifth Amendment provides for indictment. The Sixth Amendment provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed. The Seventh Amendment provides for trials by jury in civil suits at common law.

Now, we have grown up accustomed to this right and take it for granted and it is hard to realize the encroachment that is being made upon it. In order to get away from the question of emotionalism or the particular field here in issue before us today. I will call your attention to what the great trial lawyer Rufus Choate from New York said in his address to the American Bar Association in 1898, on the subject of trial by jury. He said,

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*Henley, Jones & Woodliff, Attorneys at Law, Hazlehurst, Mississippi.

"The truth is, however, that the jury system is so fixed as an essential part of our political institution, it has proved itself to be such an invaluable security for the enjoyment of life, liberty and property for so many centuries, it is so justly appreciated as the best and perhaps the only known means of admitting the people to share or maintain their wholesome interest in the administration of justice; it is such an indispensable factor in educating them in their personal and civil rights; it affords such a school of training in the law to the profession itself that there can be no substantial ground for fear that any of us will live to see the people consent to give it up."

He warns members of the Bar against tinkering or tampering with trial by jury, and says:

"Why I cherish as a result of a life work near its end that the old fashioned trial by jury of 12 honest and intelligent citizens remains today, all suggested innovations and amendments to the contrary, the best and safest practical method for determination of facts as a basis of judgment of courts, and that all attempts to tinker or tamper with it should be discouraged as disastrous to the public welfare".

Trial by jury as it is known in America and England does not exist in countries where there are dictators. In ancient Rome there was a system of trial by jury, but only the senators could serve on the jury. In Russia, as President Maxwell of the American Bar Association told us yesterday, the lawyers are reduced to the status of practically serfs. There is no trial by jury. The witnesses do not take any oath because it is an atheistic country. There can be no objection to questions and practically anything goes.

Hitler in attemping to exonerate himself for a bloody purge stated before the Reichsstadt on July 13, 1934, "If anyone faces me with the reports that we should have used the regular courts for trial I can only answer that in that hour I was responsible for the fate of the German nation and therefore I myself was the German people's supreme tribunal." We see a system in these dictatorial countries where the right and power of administering justice is vested in one hand or in centralized power.

Winston Churchill in his *History of the English Speaking Peoples* pointed this out. He says in Volume 2, page 186: "Trial by jury of equals only for offenses known to the law if maintained makes the difference between bond and free."

I doubt if the question of the pending Civil Rights Bill has been covered. I dealt with it at length but it would be largely repetition of what has gone before. I am going to call your attention in conclusion to what Jefferson said on this subject. In his first inaugural address he made this statement:

"Freedom of religion, freedom of the press, freedom of person and trial by juries impartially selected, these principles form the bright constellation which has gone before us and guided our steps through an age of revolution and reformation. The wisdom of our sages and the blood of our heroes have been devoted to their attainment and should we wander from them in moments error or alarm, let us hasten to retrace our steps and regain the road which alone leads to peace, liberty, and safety."

Gentlemen, this is a problem peculiarly for the Bar. Thirty-two of the thirty-seven persons who signed the Constitution were members of the Bar. It is our privilege to appear in the arena of justice and before juries. If we are to continue to have that privilege it is necessary that we make the fight.

Mr. W. Arlington Jones of Hattiesburg presented the Report of the Public Relations Committee. Upon motion and second a recommendation that the title of the chairman of the Committee be changed to Director of Public Relations and that the committee members be designated as co-directors and that the name of the Mississippi State Bar be changed to the Mississippi Bar Association was adopted. Upon motion and second the report of the committee was adopted.

President Roberts acknowledged the filing of the Report of the Unauthorized Practice of Law Committee.

Judge William J. Gunn, Jr. of Meridian presented the Report of the Judicial Administration Committee. Upon motion and second the report was adopted.

Mr. James Finch of Hattiesburg presented the Report of the Group Hospital Insurance Committee.

Mr. John C. Satterfield of Jackson presented the Report on the Activities of the American Bar Association.

Mr. Earle L. Wingo of Hattiesburg presented the Report of the Subcommittee of the Study Committee. Upon motion and second the report was adopted.

Mr. O. B. Triplett, Jr. of Forest presented the Report of the Resolutions Committee. Upon motion and second the report was adopted.

Mr. W. S. Henley of Hazlehurst was nominated by Mr. John Armstrong of Hazlehurst for the office of President of the Mississippi State Bar and was elected unanimously.

Mr. Breed O. Mounger of Tylertown was nominated by Mr. Earle L. Wingo of Hattiesburg for the office of First Vice-President of the Mississippi State Bar and was elected unanimously.

Mr. George E. Morse of Gulfport was nominated by Mr. J. A. Travis of Jackson for the office of Second Vice-President and was unanimously elected.

The Convention then chose as the site of its 1958 meeting the Buena Vista Hotel, Biloxi, Mississippi.

The following Commissioners were elected:

District 1—Douglas D. Shands, Tupelo
District 2—George E. Morse, Gulfport
District 3—Sidney L. Hurdle, Holly Springs
District 4—William C. Keady, Greenville
District 5—Marshall Perry, Grenada
District 6—Louis G. Blaine, Jr., Woodville
District 7—Russell D. Moore, III, Jackson
District 8—J. O. Hollis, Carthage
District 9—Ellis B. Bodron, Vicksburg
District 10—William B. Compton, Meridian
District 11—Semmes Luckett, Clarksdale
District 12—James Finch, Hattiesburg
District 13—Victor J. Ford, Raleigh
District 14—R. Pearce Phillips, Brookhaven
District 15—Floyd P. Smith, Prentiss
District 16—William J. Threadgill, Columbus
District 17—Sidney Carlton, Sumner
District 18—George D. Maxie, Laurel

The Fifty-Second Annual Convention of the Mississippi State Bar then adjourned sine die.

PROCEEDINGS OF THE TWENTY-FIRST ANNUAL MEETING OF THE

JUNIOR BAR SECTION

Held at Biloxi, Mississippi, June 27, 1957

The General Assembly of the Junior Bar Section was called to order at 1:30 P. M., June 27, 1957, in the Buena Vista Hotel, Biloxi, Mississippi, by Mr. George E. Morse, President of the Junior Bar Section.

The invocation was delivered by Reverend E. A. DeMiller of Biloxi.

An address of welcome was delivered by Mr. D. Knox White of Gulfport, and was responded to by Mr. John A. Travis, Jr. of Jackson.

The first order of business was the consideration of the various committee reports. Mr. James F. Noble, Jr. of Brookhaven presented the Report of the By-laws Study Committee. An amendment to the Report that the Vice-President be automatically elected President was carried. Upon motion and second the Report was adopted.

Mr. W. F. Goodman, Jr. of Jackson presented the Report on the Seminar for Young Lawyers. Upon motion and second the Report was adopted.

Mr. K. Hayes Callicutt of Jackson presented the Report of the Law Institute Committee. Upon motion and second the Report was adopted.

Mr. Joshua M. Morse, III, of Poplarville presented the Report of the Code Study Committee. No action was necessary on this Report.

Mr. Charles Clark of Jackson presented the Report of the Public Relations Committee. Upon motion and second the Report was adopted.

President Morse then introduced Mr. Bascom B. Talley, Jr. of Bogalusa, Louisiana, who delivered the following address:

WHAT MODEL PUBLIC RELATIONS, 1900 OR 1957?

*Bascom D. Talley, Jr.**

Each individual lawyer is faced with a growing problem that laymen generally regard lawyers as experts in sharp practice—long on chicanery and short on principle.

Assuming that we have a problem, I can't state it as well as the

*Talley & Anthony, Bogalusa, Louisiana.

Public Relations Committee of the A.B.A. They say generally, in Mr. Tinkham's Public Relations Manual, that these are the causes:

1. Some lawyers fail to fulfill their professional and civil obligations. Some bar organizations for a variety of reasons fail to press disciplinary action against offending members of the bar. You in your practice know several lawyers who are always too busy with their exclusive clients and their mouldy money to take any time to serve their bar association. Theodore Roosevelt once said that "every man owes some of his time to the upbuilding of the profession to which he belongs."

All of you know some of the few bad apples at the bar whose professional misconduct creates a bad impression to an uninformed public. I know little about your disciplinary procedures in Mississippi but I know that they are vitally important.

2. In all states, to a degree, the lack of efficient administration of many courts and the consequent loss of confidence in them as desirable tribunals for settlement of disputes has caused much difficulty for the bench and the bar. Our chief justice frequently says "justice delayed is very often justice denied."

3. The third cause of our problem pointed out in Mr. Tinkham's book is the failure of our profession, except in scattered localities, to provide no-cost and low-cost legal services to those entitled thereto. In New Orleans, for instance, a legal aid bureau is operated. In my home parish a number of law offices render free service to impoverished people who are certified by our Department of Welfare, but too many of us are failing in our duties to provide for the legal needs of the general public at a price they can afford to pay.

4. A large part of the press and the public evidently misunderstand the character and place of courts and lawyers under our system of government. Every man who has practiced law any length of time and who has been involved in a litigation in which public interest is considerable realizes the magnitude of this problem.

5. Most folks have little if any knowledge as to the service performed by a lawyer and what that service is likely to cost.

6. Another cause of our considerable difficulties is the aggressive competition which the lawyer encounters from lay agencies and laymen. I could talk at great length about tax counselors, estate planners, insurance adjusters and many others who have gradually come into the fields formerly reserved to lawyers. I don't like to talk about it, however, because it is our own fault that the fields we have lost are the fields we have thrown away.

I don't propose to make the eagle scream in Mississippi by reiterating to you the importance of the law to our economy and our govern-

ment and our society. You know that our form of government is based upon the law and can only exist as long as people have every access to justice. I consider Mr. Tinkham's book the bible of public relations for the American lawyer. Its public relations objectives are these:

1. Educate and re-educate the public as to the significance of law, lawyers, and courts, and the indispensability of each to the preservation of the American form of society and government.

2. Educate the lawyer as to his own individual responsibilities to the community, to his clients, and to his fellow-lawyers, and afford him the opportunity to continue his legal education.

3. Improve the administration of justice, so as to insure fair and impartial adjudication of cases, and their speediest disposal consistent with justice.

4. Establish and publicize legal aid organizations for those who cannot afford to pay for legal service.

5. Establish and publicize lawyer referral service, to assist those who need legal guidance and can afford to pay reasonably for it, but who do not know how to go about getting such service.

6. Handle all grievances against lawyers promptly and efficiently, and impose disciplinary action, including disbarment, where such action is warranted. Ultimately provide for reimbursement of clients who have suffered embezzlement at the hands of any lawyer.

But all the books, all the pamphlets and all the high sounding phrases can't alter the fact that *public relations is an inside job* and whitewash can never be a substitute for soap and water.

There's not a lawyer anywhere worthy of his calling that doesn't know the secrets of good public relations. There's not a lawyer anywhere that couldn't, if he would, render real service to himself and his profession by practicing good public relations, 1957 model.

It's a consolation to be able to talk to Mississippi lawyers about public relations, because I believe in Louisiana we're maybe six months or a year ahead of you.

We lawyers must of necessity take our heads out of the sand because the sum is beginning to blister the exposed end.

We are very much like the parable of the wise and foolish builders in the 7th Chapter of Matthew. We have built too much of our profession's house on the sand, and the rains of misunderstanding have come, the floods of tax consultants, estate planners and other erosive groups are here; and the winds of an uninformed public are beating on our house. I don't think our house is going to fall, but we've lost a back porch and some out-buildings simply because we haven't watched our foundation.

Where the bar's public relations is concerned, I'm a lot like the preacher who, not worrying about money, said if we can get them to church, the money will take care of itself. I believe if we can get twenty-five per cent of the American lawyers awake and conscious of our problem we can eliminate it.

Just for the record, I'll tell you my three part concept of good public relations.

First and foremost: Live Right.

Second: Tell your clients and your brother lawyers about it.

Third: Tell the public about it.

By living right, I mean just that, personally and professionally. A man whose personal life stays in a mess loses almost as much respect for his profession as the few bad apples who violate the canons of ethics by professional misconduct.

There's one vitally important adjunct to living right. Make sure your client understands what you're doing for him, or to him. Too many of us tend to become callous in our client relations—so you might say that consideration of a client is more important than reaching for the remuneration or feeling for the fee. Telling your client is a pleasant habit you can develop and help your neighbor lawyer develop. Almost all professional advice is conscientiously given in the clients' interest—and every day thousands of lawyers advise a course of action that reduces their fee, but saves their client.

As I understand your set up in Mississippi, you have an integrated bar with nearly 2100 members with annual dues of $10.00, unless you fall in one of the categories where payment of dues is optional. I don't know how long your dues have been $10.00 a year, but you might as well face one cold fact—if you want to dance you have got to pay the piper. Costs of operating bar associations, like gasoline, groceries and all other commodities have increased considerably. I think it is inexcusable that the judges of the great state of Mississippi have the option to pay dues if they want to. It is to their credit that most of them pay because of their love of the bar and their sense of obligation to their profession and their fellow lawyers without whose respect they could not remain on the bench. I agree that it is understandable for first year practitioners to receive some concession, but if a youngster can't make enough money in his first year to pay three, four, or five dollars for the privilege of being a lawyer, then he had better get in some other field.

You folks in a great many sections of Mississippi don't know very much about organized labor, and it might shock some of you to know that a common laborer sometimes pays as much as $5.00 a week for a permit to work. A great many of the crafts pay nearly as much or more

in a month as Mississippi lawyers pay in a year for the privilege of practicing.

Just in case some of you have had the wild idea of increasing your dues and have been stepped on by some of the mossbacked practitioners, I must confess that we in Louisiana have just recently completed a three year battle to have our own dues raised from $10.00 to $25.00

If I never accomplish another thing as a lawyer, I shall always be proud that I either authored or co-authored the resolution for three years to increase our dues. Under our set up it takes a referendum of the lawyers. I must confess that less than one-half of the lawyers in Louisiana voted the first time, and we lost. The second year about half the lawyers voted and we lost. The third year our Board of Governors hired a public relations firm to prepare an excellent piece of material which was circularized to the lawyers—a little more than half of them voted, and we won the battle by a small margin.

I hope that you fellows can stimulate interest in your bar activities, the American Bar Association, your state bar association, and most important, your local bar association. It is quite possible that you in Mississippi have the situation that to some extent still exists in Louisiana. Not too many years ago we had very few active local bars. The lawyers in the various judicial districts, counties or towns, were so concerned with their own success, their own clientele, that many of them had little time to say a good word for their brother lawyers down the street or across town. I once went to a local bar meeting of a parish bar association in Louisiana where the wives of the lawyers who had practiced for years in the same parish had to be introduced. The healthiest thing a lawyer can do is stimulate the organization or activities of his local bar association. It is only through local bars that you can develop and ultimately come to an agreement on a minimum fee schedule. It is only through a virile and active bar association that you can come to appreciate the good qualities of your fellow lawyers, learn to tolerate their less desirable qualities, and live and practice law by the canons of ethics as a matter of habit. You will be amazed to find out that the fellow you think is a no-good so-and-so is a pretty good lawyer after all. You will be surprised to learn, as your practice and judgment grows, that a cordial relation with your adversary will frequently effect profitable settlements for your client and you.

Take an active part in your bar association. There might be some lawyers in the great state of Mississippi that seem to think that the big firms in Jackson, or on the Coast, or in Vicksburg or Laurel or Hattiesburg run everything. I don't believe that is true, but if it is, it's only because the lawyers in the small communities, like Lucedale, Wiggins,

Poplarville, Lumberton, Picayune, Columbia, and Tylertown don't bestir themselves to take part in the affairs of the association.

I have said that public relations was an inside job. I said also there were three elements. The first and sacramental and indispensible element is to live right. Some people don't realize that public relations is just another name for what clients and people think of their lawyers. It is no magic Hadacol or Geritol that will cure the economic ills of the profession and fatten your pocketbook. Public relations, like a good reputation, can't be bought, they must be earned. No advertising, no press agent, no public service program can substitute for a sound attorney-client relationship.

Above all, don't look at public relations as a key to higher fees. Sometimes good public relations indicates lower fees. If the American people are to have faith and confidence in lawyers they must first know a lawyer and appreciate what they can do. This individual attorney-client relationship is the doorway to public respect and good will. Unfortunately it is our day to day contacts with our client in our own offices where our own public relations are so often fouled up. These thoughts have been lifted almost verbatim from a circular issued by the Wisconsin Bar Association. They have a wonderful check list which will help eliminate the fact that attorneys often take care of everybody's business but their own. Let's see what their advice is:

Your Office. It is the kind of a place that will give clients a good first impression? Some folks recommend that it would be a good practice for each of us at least once a year to take everything out of their desk and sort it over.

How about your desk side manner? Many of our medical competitors have grown rich by their courteous and considerate bedside manner. Are we available or do we give clients the brush-off? Do we keep them waiting without regard to the fact that their time is valuable too?

Most clients are not pests, but a pest can be handled whether he has a case or not. We can listen courteously and then a prompt statement for services rendered usually eliminates the pest.

What about telephone manners, or those of the girl who takes your incoming calls? Is she tactful, helpful and polite? You might try listening in on a call to your office some day on a friend's extension. Put yourself in the client's shoes and don't forget that a client who calls a lawyer is frequently in trouble.

Go out of your way to satisfy an aggrieved client. They are usually talkative. If you are unjustly accused you can insist that another lawyer or the local bar association arbitrate to clear you and satisfy the client. You can't satisfy everybody, but you can try.

We should keep our client informed. To the client his case is the most important thing on his hand. He and his family worry about it. They talk about it, and nothing worries a client more than being kept in the dark. Let him know what you are doing, what the delays are and why. Send him copies of letters and talk to him about his case, and in general let him know what work you are doing.

Surveys show that most people are dissatisfied with the legal profession because they are so darned slow. Getting the job done promptly will get you more business than almost anything in the world and be a great help to the legal profession.

A doctor's prescription pad is worth thousands of dollars a year to him. Many lawyers never reach for a book and read from it to a client. Any book costs more money than prescription pads and they are just as impressive and are much more effective than a blunt statement of an answer to a problem that is obvious to you. We lawyers don't wear wigs and robes any more, but we can give an atmosphere of service.

Fees, complaints about fees, fee bills and statements and collections create a lot of problems. You should charge a reasonable and adequate fee because no one, particularly your client, respects a cheap lawyer or a fee cutter. Many lawyers almost never learn that basic truth. You can't satisfy everybody, but don't worry about the few clients who complain. People complain in supermarkets and everywhere else a lot more than they complain to lawyers. Some folks are chronic complainers and enjoy it.

Many excellent relationships with clients go aground when the work is finished and the fee is unexplained or delayed and there is no discussion. Clients prefer an itemized statement. Delinquency in legal billing begets delinquency in payment. If I had another hour I would like to estimate for you how many thousands of dollars I think I lost before I put in a billing system.

Don't be selfish and don't be jealous of the guy down the street or across town who gets some business you would like to have. If you get all the business in your town or your county you couldn't handle it, and in the long run if you attend to your business and to your work promptly and efficiently you will get your share, too.

If people (attorneys included) lived by the Ten Commandments life would be pleasant. Lawyers have their own commandments—forty-seven of them—and you should read them regularly and practice by them continually. If your competitor doesn't, that won't justify your neglect. Two wrongs don't make a right. Sooner or later the public catches on. After all, your reputation is always in the making, it is your most precious asset. Your reputation is your contribution to the bar's public relations.

Mr. B. Stirling Tighe presented the Report of the Committee on Legal Aid. Upon motion and second the Report was adopted.

Mr. John A. Travis, Jr. of Jackson presented the Report of the Liaison Committee between the Legal and Medical Professions.

President Morse then delivered a report on the functions of the various committees. The committee reports will be found in Appendix A.

The next order of business was the election of officers. The following were duly elected:

Mr. John A. Travis, Jr., of Jackson, President.
Mr. K. Hayes Callicutt of Jackson, Vice-President.

Recommended to the Senior Bar as Second Vice-President:
Mr. George E. Morse of Gulfport.

Executive Committee:

Central District:
Joseph E. Wroten, Greenville
George P. Hewes, III, Jackson
William F. Goodman, Jr., Jackson

Northern District:
James E. Boone, New Albany
J. Gore, Jr., Grenada
James Ray, Corinth

Southern District:
Dorothy Clower, Laurel
Frank D. Montague, Hattiesburg
Robert Barber, Gulfport

The Twenty-First Annual Meeting of the Junior Bar Section was then adjourned sine die.

APPENDIX A

COMMITTEE REPORTS – SENIOR BAR

REPORT OF THE AMERICAN CITIZENSHIP COMMITTEE

Your Committee recommends:

I

That the American Citizenship Committee of the Mississippi State Bar be made a permanent committee.

II

That beginning with the 1957-58 committee, that an overall plan of presenting a citizenship program be worked out from the materials furnished by the American Bar Association and the various State Bars, using only that material best suited to our needs.

III

That in presenting said program to the upper four grades of the High Schools of Mississippi, that continued emphasis be made of our stand on segregation of the races, and why we believe that same should be maintained; and further, why we believe that it is to the best interest of both races to continue segregation in all phases of the State life; and finally, the Committee recommends that additional personnel be appointed from each District of the Bar in an effort to reach as many High Schools as possible in presenting said program.

REPORT OF THE BUDGET AND FINANCE COMMITTEE

After careful consideration, the Budget and Finance Committee of the Mississippi State Bar recommends for adoption the following budget for the fiscal year, 1957-1958.

Office Expense	$1,700.00
Commissioners' Expense	1,500.00
Junior Bar Section	1,000.00
Annual Meeting Pre-Convention Expenses, such as printing programs, ballots for commissioners, tickets, badges, etc.	200.00
Committee Expense—to be allocated among the committees by the commissioners	1,500.00
Travel allowance for Study Committee	350.00
National Conference on Uniform State Laws	200.00
Expenses of delegates to Judicial Conference	150.00
Secretary's Salary	3,900.00
Expenses of Secretary to A.B.A. Convention, and to Mid-Winter and Regional Conferences	650.00
Miscellaneous or Contingent Expenses, such as bank charges, exchange, with-holding charges, etc.	250.00
Extra Office Help	2,400.00
Mississippi Law Journal	4,750.00
Dues, National Conference of Bar Presidents and National Conference of Bar Association Secretaries (A.B.A.)	50.00
President's Expense	250.00
Board of Admissions	2,000.00
TOTAL	$20,850.00

Except for a few minor increases the items in the proposed budget are precisely the same as the budget adopted last year. The committee is, therefore, of the opinion that no special comments on the budget items are necessary.

The financial affairs of the Mississippi State Bar during the past fiscal year, which ended May 15, 1957, have been carried on in an efficient manner as reflected by the audit prepared by Dick D. Quinn and Company, Certified Public Accountants, of Jackson, Mississippi. Members desiring details are urged to visit the office of our secretary and to consult the audit at leisure.

The committee feels that this budget is within the scope of the anticipated receipts and revenues of our associaion, and that it should be adopted.

REPORT OF THE COMPLAINT COMMISSIONER

1. During the past fiscal year 22 separate complaints have been made involving members of the Mississippi State Bar. In handling these matters 48 letters were written by the Complaint Commissioner, and 92 letters or copies of letters were received by him.

2. Only a few of these complaints were deemed to be of sufficient gravity to require action by the Commissioners of the Mississippi State Bar, and these few were the only ones on which any formal action was taken by that group. No good purpose would seem to be served by setting forth in this Report the names of the lawyers against whom the complaints were made.

3. Because of the amount of work required of the Complaint Commissioner, it is recommended that consideration be given to the appointment by the President of the Mississippi State Bar of at least two of the Commissioners as Assistant Complaint Commissioners. By doing this, the complaints could be given more prompt attention, and they could be more thoroughly handled, without being an undue burden on any one person.

REPORT OF THE CODE STUDY COMMITTEE

Your Study Committee has given consideration to a number of proposals, designed primarily for the improvement of procedures, and the proposals receiving approval by a majority of the Committee have been placed in the form of legislative bills for introduction at the next session of the Legislature.

I

Copies of the bills receiving Committee approval have been made available for examination by the members of the Bar. The titles are listed as follows:

ITEM I. An Act to amend Section 6998-15, Mississippi Code of 1942, to provide that the Workmen's Compensation Commission may, in its discretion, allow compromise settlement of claims where liability for the payment of compensation is doubtful and disputed in good faith and to provide for payment to minor employees unless otherwise ordered.

ITEM II. An Act to amend Section 9901 of the Mississippi Code of 1942 so as to provide that the right of the Sheriff and Tax Collector to back assess property for taxation shall be only for a period of seven (7) years.

ITEM III. An Act to provide that Last Will and Testaments of deceased persons shall be submitted for probate within six months after first notice to creditors has been published by the Administrator.

ITEM IV. An Act to amend Section 1848, Mississippi Code of 1942, to provide for

the contents of a summons issued within five days before the return day and to provide the time for return and the time for answer.

ITEM V. An Act to amend Section 3962 of the Mississippi Code of 1942 so as to provide that the Chancery Court or Chancellor in vacation may fix and allow reasonable fees for appraisers in the estates of deceased persons.

ITEM VI. An Act to amend Section 505, Mississippi Code of 1942, to reduce the time for contesting the validity of wills from two years to one year.

ITEM VII. An Act to amend Section 1391, Mississippi Code of 1942, to reduce the time for the application for rehearing in cases where decrees are rendered upon process by publication from two years to one year.

ITEM VIII. An Act to provide the Chancery Court with jurisdiction of proceedings, in the nature of a Bill of Discovery, in aid of the collection of money judgments and decrees and to define the powers of the court and scope of such proceedings and to fix venue.

ITEM IX. An Act to provide a means by which an appellee may cause a transcript of the evidence to be made a part of the record on appeal in cases where the appeal is taken without inclusion in the record of the evidence adduced on the trial.

ITEM X. An Act to provide for the physical and mental examination of parties to an action in which the mental or physical condition of the party is in controversy and to provide the conditions therefor.

ITEM XI. An Act to amend Section 1640, Mississippi Code of 1942, to provide for securing a transcript of the court reporter's notes in case of successive trials and to dispense with the necessity of bills of exceptions where new trials are granted.

ITEM XII. An Act to prescribe a method of reviewing the determinations of administrative agencies.

ITEM XIII. An Act to amend Section 1296, Mississippi Code of 1942, so as to allow the defendant to bring in new parties as cross-defendants within the discretion of the court.

ITEM XIV. An Act to amend Section 1519, Mississippi Code of 1942, as amended by Chapter 229, Laws of 1948, so as to provide for the settlement of pleadings and entry of judgment in vacation.

ITEM XV. An Act to establish a procedure for a pre-trial conference in certain state courts.

II.

Items numbered XII through XV, inclusive, otherwise designated as House Bills Nos. 80, 83, 90, and 396, have been previously approved by the State Bar and were introduced and reported favorably by the House Judiciary Committee at the last session of the Legislature, but no action was taken by the House after such report. Your Committee has re-examined the proposed legislation, as incorporated in these bills, and the Committee recommends that they be again introduced at the next Session of the Legislature.

III.

Several recommendations for further study were made in the Report of the Study Committee for 1955-1956, but no decision in reference to these matters could be reached by your present Committee.

REPORT OF THE CONFERENCE OF LOCAL BAR ASSOCIATIONS

The Conference of Local Bar Associations was organized as a section of the Mis-

sissippi State Bar on June 21, 1956, at a meeting called by the State Bar Committee on Coordination of Bar Activities, upon the authorization of the officers and Commissioners of the Mississippi State Bar. Each local bar association in the state was notified and invited to be represented. Bar associations from every section of the state were represented at the meeting.

A constitution and by-laws were adopted, pursuant to which the following officers were elected: Betty B. Tucker, Jackson, President; C. Sidney Carlton, Sumner, Vice-President for North Mississippi; Willard L. McIlwain, Greenville, Vice-President for Central Mississippi; Joseph S. Zuccaro, Natchez, Vice-President for South Mississippi; and Alice Nevels, Jackson, Secretary and Treasurer.

The Executive Committee met on June 22, 1956, and tentatively considered the appointment of the committee chairmen and plans for the Board of Directors' meeting in August. The decision of these matters was made by mail ballot in July, and the following standing committee chairmen were appointed: Membership, John C. Satterfield, Jackson; Program, Bernard Callender, Columbia; Public Relations, William G. Beanland, Vicksburg; Legislation, Ellis Griffith, Cleveland; Professional Ethics, Leslie Darden, New Albany; and Professional Fees, Breed O. Mounger, Tylertown.

The Board of Directors of the Conference is composed of the officers, standing committee chairmen, president of the Mississippi State Bar, and presidents of local bar associations, or their duly authorized representatives. The Directors are required to meet in August and April of each year.

Vice-Presidents Work for Greater Cooperation:

Under the direction of the Vice-Presidents nine District Bar Conferences have been held in locations which made these meetings available to lawyers in every area. Local bar associations have served as hosts in each instance. Lawyers' wives have been included in the invitation to most of these meetings, it being considered that the interest of the wives would aid in the success of bar activities.

The enthusiastic response of the Bar, the Bench and the wives of these meetings has resulted in plans for the establishment of permanent District Bar Conferences where the lawyers in the area desire such an organization.

Standing Committees:

The standing committees have made studies of Bar activities appropriate to the respective committees, prepared plans for implementing the program of the State Bar at the local level and in some cases developed aids for local associations. Theirs has been chiefly a work of preparation and planning during this year when the emphasis has necessarily been upon the organizational work of the Vice-Presidents which has established the foundation for cooperation and united effort among local associations. Subject to the approval of the Conference at the Annual Meeting on June 27, 1957, the standing committees will begin active work to carry on a cooperative program in their respective fields throughout the state.

In addition to supplying information on program material available in the State Bar Office, the Program Committee, with the aid of the Vice-Presidents, plans to set up a Speakers Bureau in each District, so that speakers may be available to speak on selected subjects to local bar associations and civic organizations. Basic outlines of talks on legal subjects may also be prepared and made available to the speakers.

The Public Relations Committee has made a study of programs and materials developed by the American Bar Association and various state and local associations and has prepared comprehensive suggestions for Public Relations activities which will be sent out to all local bar associations.

The Legislation Committee of the Conference will combine the functions of the Legislation and Study Committees of the State Bar.

During 1957-58, the committee will study the Rules of Practice and Procedure, more integrated judicial systems in other states and the Federal Court system, and make a report of its findings to the Conference and to local bar associations through the Conference.

A further objective of the committee is to correlate the efforts of the Legislation Committee of the State Bar in the implementation of legislation. Plans are being made in cooperation with the Hinds County Bar Association to keep close observation on pending legislation during the sessions of the Mississippi Legislature, and to keep local bar associations advised, through the office of the State Bar, of the status of all legislation of interest and concern to the Bar.

The Professional Ethics Committee is engaged in a special study of the appearance and introduction of lawyers on radio and television programs and the methods used in the presentation of such programs, in relation to the Code of Ethics. Local bar associations and individual lawyers are invited to submit questions, observations and problems arising in connection with such programs to the committee for study and recommendations.

The beneficial effect of the use of fee manuals as a guide having been established, it is the object of the Professional Fees Committee to encourage the adoption of a fee manual by each local bar association. All local bar associations which have adopted fee manuals are requested to report the same to the Committee, to supply a copy of the manual adopted if other than the State Fee Manual, and from time to time report the local experience and results in the use of the fee manual.

Special Committees:

A Handbook for Local Bar Associations was prepared by the special committee composed of James Simrall, Jr., Chairman, Reginald Gray, Jr., and R. W. Heidelberg, Jr., and has been published and distributed to the presidents of all local and district bar associations.

The August meeting of the Board of Directors authorized the Executive Committee to appoint a special Professional Economics Committee to make a study of the economic condition of the legal profession in Mississippi and report its findings and recommendations. Statistical studies of economic factors and public opinion were made under the supervision of specialists at Mississippi Southern College in Hattiesburg. The Committee prepared the studies for publication, and the Commissioners of the Mississippi State Bar approved the printing of the "Economic Survey of the Legal Profession in Mississippi."

Representation at Commissioners' Meetings:

The Conference was represented by its President at meetings of the Officers and Commissioners of the Mississippi State Bar on December 20, 1956, and April 12, 1957.

The function of the Conference as a section and instrument of the State Bar was expressed and implemented in the following recommendation presented to and approved by the Officers and Commissioners of the Mississippi State Bar on November 20, 1956:

> That the Mississippi State Bar, through its Officers and Commissioners, begin preparation of an overall program of bar activities which it desires to have conducted through local bar associations, keep the program abreast of the studies and findings of the Mississippi State Bar and the American Bar Association, and from time to time give directives relating to the conduct of such program to the Conference of Local Bar Associations.

Active Support of Lawyers' Wives in Bar Activities:

The appreciation which the wives of lawyers have expressed in being especially invited to attend the District Bar Conferences and the great interest shown by the wives in the subject matter presented at these meetings has led the Board of Directors to the considered opinion that the organization of an Auxiliary Association of the lawyers' wives would be beneficial to the Bar. A meeting of the ladies attending the State Bar Convention will be called and the proposal of such an organization presented to them by the Conference officers.

Recommendations:

During the studies undertaken this year the need of the organized Bar for more adequate facilities and funds with which to provide the services traditionally rendered by professional organizations to the members has become more apparent. Believing that the solution of the problem lies in positive action, and that efforts toward solution should not be postponed, the Conference of Local Bar Associations presents the following recommendations:

1. That the Mississippi State Bar support legislation to amend Section 8699, of the Mississippi Code of 1942, so as to permit the members of the Mississippi State Bar to set and fix the dues of its members, and that, when it is legally possible, the dues be raised.

The next recommendation is made in consideration not only of the inadequacy of the present facilities of the Mississippi State Bar but also of the present inadequacy and need for expansion of the accomodations and facilities of the Supreme Court Chamber, offices of the Justices of the Supreme Court, facilities of the Supreme Court Clerk, the Attorney General's Department and the State Law Library. Believing that the prestige of the State of Mississippi, its highest Court, its most important law enforcement officer, and its State Bar will be enhanced, their dignity upheld, and their efficiency increased by modern, dignified, adequate and comfortable facilities, the Conference of Local Bar Associations presents this second recommendation.

2. That the Mississippi State Bar take such action as is necessary to support a program for the erection of a new Supreme Court Building, providing for:

(1) Adequate facilities for the Supreme Court Clerk.
(2) A modern and more convenient Supreme Court Chamber.
(3) Proper offices and conference rooms for the Justices of the Supreme Court.
(4) Adequate space for the State Law Library with provision for expansion.
(5) Facilities for the Attorney General's Department.
(6) Headquarters for the Mississippi State Bar and its sections.

The Conference further recommends that a committee composed of 22 members of the Bar and two advisory members be appointed by the President of the Mississippi State Bar to study, implement and draft legislation to be presented to the legislature.

It is recommended that the proposed committee be composed of three Supreme Court Justices, one from each of the three Supreme Court Districts; nine practicing lawyers, three from each of the Supreme Court Districts; the four officers of the Mississippi State Bar; the president and three vice-presidents of the Conference of Local Bar Associations; the president of the Junior Bar Section; the Attorney General of Mississippi; and, as advisory members, the Clerk of the Supreme Court and the Librarian of the State Law Library.

[Editor's Note: The above report was adopted by the Coordination of Bar Activities Committee as their report.]

REPORT OF THE EDITORIAL BOARD OF THE MISSISSIPPI LAW JOURNAL

General

The publication of the October 1957 issue of the *Mississippi Law Journal* will mark the completion of the twenty-eighth volume and the *Journal* will then commence its twenty-ninth year of uninterrupted publication. At the present time the *Journal* publishes four issues annually and has a circulation of approximately 2,300 copies per issue. Except for the numerous isolated purchasers, our subscribers include members of the Mississippi State Bar, students of the University of Mississippi School of Law, and libraries throughout the United States and the rest of the world. At the present the international subscribers include individuals and institutions in England, Saudi Arabia, South Africa, Argentina, Australia, Belgium, Canada, Germany, Mexico, the Philippine Islands, Puerto Rico, and Hawaii. The subscription rate is $4.00 per year, and separate copies may be purchased for $1.50. The *Journal* is published by the Rebel Press and Office Supply Co., Oxford, Mississippi.

Staff

Each issue of the *Journal* is edited by a student editor with the help of an editorial board, which is composed of nineteen students who have been selected by the faculty on the basis of scholarship, achievement, and editorial ability. All work is done under the supervision of the Faculty Advisor, who is in turn responsible to the Dean of the School of Law.

Membership on the *Journal* staff carries with it no financial compensation. Upon satisfactory completion of all assigned work a staff member receives two hours of academic credit and an engraved certificate of service.

Paper and Print

Beginning with the December 1956 issue changes were made in the type of paper and the size and type of print used in the *Journal.* The changes were made to improve the readability and permanence of the *Journal.* The changes in the paper and type and size of the print increased the cost of publication of the *Journal* approximately five hundred dollars per four issue volume.

The Journal and the Bar

The *Mississippi Law Journal* is the official publication of the Mississippi State Bar, and its primary purpose is to serve the Bar and its members. The editorial board solicits any suggestions, comments, or criticisms from the Bar in regard to the publication of the *Journal.* The members of the Bar are encouraged to submit desirable subjects on which leading articles or student writings may be procured and published. Particularly do we invite each member to write and submit for our consideration material for publication in the *Journal.* It is your publication and we hope you will aid us in making it more beneficial to the Mississippi lawyer.

EXHIBIT "A" TO THE LAW JOURNAL REPORT
FINANCIAL REPORT OF THE MISSISSIPPI LAW JOURNAL
June 1, 1956 — May 31, 1957

Receipts

Balance Remaining from 1955-1956 Bar Appropriation	$0000.00
Balance in Bank, May 31, 1956	1723.32
Appropriation, Mississippi State Bar	4500.00
Sale of Subscriptions	419.60
Sale of Back Issues	126.70
Sale of Volume I	95.56
Sale of Advertising	1035.00

Sale of Index		5.00
Law School Student Assessment		471.80
Miscellaneous Income		20.25
TOTAL RECEIPTS		$8406.23

Disbursements

Printing:		
Volume XXVII, No. 4	$1573.65	
Volume XXVIII, No. 1	1289.40	
Volume XXVIII, No. 2	853.40	
Volume XXVIII, No. 3	1202.20	
Total Printing		$4918.65
Postage and Box Rent		110.00
Stationery and Office Supplies		143.02
Telephone Expense		160.64
Addressograph Expense — Mailing List		95.21
Page in Yearbook		50.00
Bar Convention Expense		28.45
Law Journal Certificates		7.25
Insurance		130.50
Miscellaneous Expense		102.25
TOTAL DISBURSEMENTS		$5745.97
Cash on Hand, May 31, 1957		2660.26
		$8406.23

EXHIBIT "B" TO THE LAW JOURNAL REPORT
PROPOSED BUDGET FOR THE MISSISSIPPI LAW JOURNAL

Receipts

Balance in Bank, May 31, 1957	$2660.26
Appropriation, Mississippi State Bar	4750.00
Sale of Subscriptions	400.00
Sale of Back Issues	125.00
Sale of Volume I	80.00
Sale of Advertising (includes special issue)	1200.00
Law School Student Assessment	480.00
Miscellaneous Income	30.00
TOTAL RECEIPTS	$9725.26

Disbursements

Printing:		
Volume XXVIII, No. 4 (Symposium Issue)	$1500.00	
Volume XXVIII, No. 5	1350.00	
Volume XXIX, No. 1	1350.00	
Volume XXIX, No. 2	1350.00	
Volume XXIX, No. 3	1350.00	
Total printing		$6900.00

Reprint Volume II	1500.00
Postage and Box Rent	200.00
Stationery and Office Supplies	160.00
Telephone Expense	175.00
Addressograph Expense — Mailing List	150.00
Page in Yearbook	50.00
Miscellaneous Expenses	100.00
TOTAL DISBURSEMENTS	$9235.00
Cash on Hand, May 31, 1958 (Estimated)	490.26
	$9725.26

GROUP HOSPITAL INSURANCE COMMITTEE

James Finch, W. Arlington Jones and Robert L. Calhoun were appointed by President M. M. Roberts to a special group hospital insurance committee, for the purpose of making a study and recommendation of a proposed group hospital insurance plan submitted by Continental Casualty Company of Chicago, Illinois, through Thomas Yates & Company of Jackson, Mississippi.

A complete and thorough study was made of the group hospital plan offered by Continental Casualty Company, which was a plan exclusively for members of the Mississippi State Bar and their eligible dependents. Its primary purpose was to provide a hospital and medical coverage for catastrophes, providing a maximum coverage of $10,000.00 for each dependent for each particular sickness or accident, with a three and five hundred dollar deductible clause.

The Committee, after making a study of the plan and after numerous conferences with Mr. Thomas Yates, favorably recommended to the Commissioners that the plan be approved for submission to members of the Bar, strictly upon a voluntary basis. It was felt that the coverage offered by the plan, and the premium rates, offered a very good plan for members of the Bar desiring this type insurance coverage for themselves and their dependents.

We believe that each member of the Bar has received comprehensive literature concerning this insurance plan, and should acquaint themselves with the plan with the definite understanding that the Committee has no interest whatsoever in the insurance company offering the coverage. the agency, or any other person, firm, or corporation, interested in the sale of this coverage.

We do, however, feel that we can conscientiously recommend the plan to our fellow lawyers. We made such a recommendation to the Board of Bar Commissioners, which was adopted and approved by the Commissioners for submission to members of the Bar to be considered by them upon a voluntary basis.

REPORT OF THE JUDICIAL ADMINISTRATION COMMITTEE

The Judicial Administration Committee is a relatively new committee of the Mississippi State Bar and as such, during the past year, has devoted considerable time to correspondence with some of the bar associations of the surrounding states and with the American Bar Association in an effort to determine what is being done elsewhere and what could be accomplished by an active committee in this state. The material thus assembled presents a field of study so large the question of where to begin the work of the Committee becomes very pertinent. It would seem that the Judicial Ad-

ministration Committee could, with profit, work very closely with the Annual Judges' Conference and also with the Committee on Procedural Reform. This recommendation would be in line with the procedure within the American Bar Association, wherein the Section on Judicial Administration works in close cooperation with the Conference of Chief Justices.

It is submitted that the work of this Committee in the future could include continued emphasis on improved organization and operation of all courts, with some study given to the acts and attitudes of those directly involved in the law's every day administration.

REPORT OF THE LAWYERS' BUSINESS AFFAIRS COMMITTEE

It is the consensus of this Committee that the Manual of Suggested Basis of Fee Computation, which was worked up last year by the Professional Fees Committee and approved at the last meeting of the State Bar, is one of the most constructive pieces of work which has been done by the State Bar in many years, and that it has already been of great benefit to the members of the Bar. This Committee is further of the opinion that this manual will be of even greater benefit to the lawyers of the state in the future, if they will follow more closely the suggestions therein contained.

Notwithstanding the splendid work which has previously been done, the Committee feels that we should never consider that the manual is the final word on the matter of fees, but that we should constantly be on the alert to recognize any deficiencies therein and to make such revisions from year to year as may be indicated by the conditions then existing. In other words, we should attempt to keep the manual in a current, up-to-date condition and never neglect it for a period of several years so that the fees suggested therin would not be reasonable or adequate and substantially in accord with the fees then being charged generally throughout the State of Mississippi.

With these thoughts in mind and without any thought of being critical of that which has been done during the preceding year, we went through the manual to see if any changes should be made and decided to recommend for your consideration the following changes in said manual:

1. That the suggested fees for handling estates, the gross value of which is in excess of $50,000.00, be revised to read as follows:

   "Gross value $50,000.00 to $500,000.00 — $1,775.00 plus 2½% of amount over $50,000.00

   Gross value $500,000.00 to $1,000,000.00 — $13,025.00 plus 2% of amount over $500,000.00

   Gross value $1,000,000.00 and over — $23,025.00 plus 1½% of amount over $1,000,000.00."

The fees suggested for estates of less than $50,000.00 would remain as they are in the manual as heretofore adopted and published.

2. That the last sentence on page 8 of said manual which now reads as follows:

   "If there are extraordinary services such as the contest of a will, contest of heirship, sale of property to pay debts or legacies or preparation of estate tax returns and/or income tax returns, a reasonable per diem may be charged in addition to the above."

be revised to read as follows:

   "If there are extraordinary services such as the contest of a will, contest of heirship, sale of property to pay debts or legacies or preparation of estate tax returns and/or income tax returns, the fees suggested above should be in-

creased to such reasonable extent as may be necessary to adequately compensate the attorney for such extraordinary services, having due regard to the general factors enumerated under sub-section A of Section I, supra."

3. That the suggested fees for handling civil cases in the county, circuit, and chancery courts be revised to read as follows:

"(2) County Courts:

(a) Pleadings	$ 50.00
(b) Preparation for trial, evidence and briefing, per day or fraction	75.00
(c) Court appearances, per day or fraction	75.00

(3) Circuit Courts:*

(a) Pleadings	100.00
(b) Preparation for trial, evidence and briefing, per day or fraction	150.00
(c) Court appearances, per day or fraction	200.00

* When amount in controversy is less than $3,000.00, use schedule for County Courts

(4) Chancery Courts: **

(a) Pleadings	100.00
(b) Preparation for trial, evidence and briefing, per day or fraction	150.00
(c) Court appearances, per day or fraction	200.00

** When amount in controversy is less than $3,000.00, use schedule for County Courts.

4. That sub-section C of Section XI, which conflicts with the matters dealt with under Section IV, be revised to read as follows:

"C. Estate and Inheritance tax work, including fiduciary tax reports, gift tax reports, and income tax reports: hourly rate."

In recommending the above changes, your Committee would like to say that from the information it has obtained from authentic and reliable sources, it is of the opinion that the above suggested fees, as well as all others contained in the manual, are not unreasonable or excessive, but on the contrary are reasonable and in line with those which are currently being charged for comparable services in other states throughout the nation. Although the said manual was never intended to serve as a minimum schedule of fees or a maximum schedule of fees, the Committee feels that all fees suggested therein should be substantially in accord with those which are currently being charged throughout the State of Mississippi and throughout the United States, and if a majority of the members of the Mississippi State Bar feel that any of the suggested fees are excessive, then such fees should be reduced to such amounts as may be deemed reasonable and proper. However, after the suggested fees have been approved by the Mississippi State Bar, it is felt that all members of the Bar and all Courts of the State should then be willing to accept the manual as an authoritative guide for use in the determination of what would be a reasonable and proper fee for any particular legal service, until such time as further changes are made therein.

We recommend that this Committee or a similar one be continued from year to year.

REPORT OF THE LEGISLATIVE COMMITTEE

As explained in President Robert's letter of July 27, 1956, while it was not contemplated that the Legislature would be in regular session during the Bar year

1956-57, it was thought the Committee should be constituted and stand in readiness to assist the Study Committee and the Legislature in the matter of formulation and adoption of laws thought to be in the interest of the Mississippi State Bar. After the Committee was appointed, it was thought by Governor J. P. Coleman that a special or extraordinary session of the Legislature would take place about the first of the calendar year 1957. After the Governor had conferred in various sections of the State with members of the Legislature and had canvassed the situation at large, he then declared that there was no necessity for such extra or special session.

In view of the foregoing, there was no necessity for the formal convening of the Committee and, hence, there have been no activities of the Committee.

REPORT OF THE COMMITTEE ON MAINTENANCE OF CONSTITUTIONAL RIGHTS OF THE STATES AND OF INDIVIDUALS

WE, The Committee on Maintenance of Constitutional Rights of the States and of Individuals, recommend to the Mississippi State Bar the adoption of the following resolution:

WHEREAS, a year ago, the Bar of this State, in convention assembled, adopted a Resolution deploring the usurpation of sovereignty of the several states by the Supreme Court of the United States; and

WHEREAS, this course of the decisions, we believe, has continued and broadened into other phases of State Sovereignty, and if it continues will ultimately nullify the authority of the sovereign States and will operate to render obsolete the term 'States Rights' as we presently use and understand the term; and

WHEREAS, since the opening of the October 1956 term, we believe, decisions of the United States Supreme Court have been rendered without regard for precedent or established rules of constitutional interpretation, which have resulted in increased strife, confusion and disunity, not only among sections of these United States but also among peoples of different races and creeds within the various sections, and among the departments of the Federal Government; and

WHEREAS, we, the members of the Mississippi State Bar, being charged by legislative mandate, as members of the legal profession, with the duty 'to support the Constitution and Laws of this State and of the United States', as well as being urged by a sense of patriotism and loyalty to our Federal Government and our State, feel called upon to reiterate those foundation stones of Government in which we believe and which we are convinced are embodied in our Federal Constitution and also in the Constitutions of the Several States; and

WHEREAS, we believe in the intrinsic value of every individual regardless of race, creed or color, and that each is entitled to life, liberty, and the pursuit of happines under due process of law and under equal protection of the law; that equal justice should be meted out to all men under the law, and that it is our duty as lawyers to do our utmost to see that this end is accomplished; that violence should be averted; that the rights of all men should be defended with equal vigor to assure to all their true constitutional rights; and

WHEREAS, we believe that since the opening of the October 1956 term of the United States Supreme Court, the true intent and purposes of the framers of our Federal Constitution have been circumvented and ignored by the Supreme Court of the United States, especially in its construction of the First, Fifth, Tenth and Fourteenth Amendments to said Constitution, in that said Court no longer seems to heed or give credence to the fact that the several States, in ratifying the Federal Constitution, reserved to themselves all powers and authority not specifically relin-

quished to the National Government; but instead, the Supreme Court of the United States, through legislation by judicial fiat, under the guise of constitutional interpretation, has brought about an ever increasing trespass upon those areas heretofore rightfully held to be within the province of the authority reserved by the States; and

WHEREAS, Chief Justice Charles Evans Hughes gave graphic expression to his fear of enroachment by the Federal Government upon the rights of the States when he said:

> "I have not adequately expressed the more than anxiety I feel at the ever-increasing scope given to the fourteenth amendment in cutting down what I believe to be the constitutional rights of the States. As the decisions now stand, I see hardly any limit but the sky to the invalidating of those rights if they happen to strike a majority of this Court as for any reason undesirable. I cannot believe that the amendment was intended to give us carte blanche to embody our economic or moral beliefs in its prohibitions."

And since that time, the danger of which Chief Justice Hughes warned has been multiplied countless times so that we find ourselves rapidly approaching the point where State sovereignty is becoming only a hollow shell; and

WHEREAS, it has become increasingly evident that the outcome of litigation effecting States Rights and internal security of the Nation before the highest Court of this land can no longer be anticipated by application of the doctrine of stare decisis, we reaffirm our position as being in accordance with the brief of Judge Thomas M. Cooley, as stated in his great work on *Constitutional Limitations,* 8th Ed. Vol. I, pp. 123-124, that "A constitution is not to be made to mean one thing at one time, and another at some subsequent time when the circumstances may have so changed as perhaps to make a different rule in the case seem desirable . . . It is with special reference to varying moods of public opinion, and with a view of putting the fundamentals of government beyond their control, that these instruments are framed; . . (and) a court or legislature which should allow a change in public sentiment to influence it in giving construction to a written constitution not warranted by the intention of its founders, would be justly chargeable with reckless disregard of official oath and public duty . . . What a court is to do, therefore, is to declare the law as written, leaving it to the people themselves to make such changes as new circumstances may require."

WHEREAS, we believe that recent opinions of the Supreme Court of the United States, purporting to draw the dividing line between National and State sovereignty within the concept of the Federal Constitution, trespass upon rights of the respective States; and

WHEREAS, nevertheless, as lawyers, we do respect the Court as an institution, but reaffirm our right and duty to legitimately and constructively criticize the members of the Court and their opinions;

NOW, THEREFORE, BE IT RESOLVED, that we, the members of the Mississippi State Bar, in convention assembled, having stated our beliefs in the premises, do hereby:

1. Commend all Congressmen from Mississippi and the other states who have worked unceasingly to preserve the Constitutional rights of the States, of all individuals, and the internal security of this Nation, and urge them to continue this struggle which we believe must be won if our American Heritage is to be perpetuated. We especially urge them to continue in their efforts to defeat the Civil Rights Bill recently passed by the House of Representatives and now being considered by the Senate.

2. Commend the Members of the Mississippi Legislature, the Governor of Mississippi, all other state officials, and all individuals joining therein with them for their

untiring efforts directed toward the maintenance of State sovereignty in every phase thereof, and urge them and members of Congress from Mississippi to exert their every effort to bring about a termination and reversal of the usurpation hereinabove recognized.

3. Urge the Congress to enact corrective legislation to restrict judicial violation to the Constitution.

4. Pledge ourselves to maintain eternal vigilance in the preservation of individual and States' Rights and urge them to keep abreast of the new developments in these matters and to be prepared to acquaint the general public with the newest trends at every available opportunity.

5. Urge the members of the Bars of the other forty-seven States to bind themselves together and lend their efforts to curb usurpation by the United States Supreme Court of the rights of the sovereign states, and we further urge the Bars of the other states to give their thoughtful consideration to the idea of forming within their respective Bar Associations a committee comparable in purpose to the Committee on Maintenance of Constitutional Rights of the States and of Individuals of the Mississippi State Bar in order that we may share ideas and work together for the common good of all.

BE IT FURTHER RESOLVED that copies of the foregoing resolution be sent to the members of Congress from Mississippi; to the Attorney General of each State; to the President of the American Bar Association; to the Editor of the American Bar Association Journal, and to the Presidents of all State Bar Associations.

REPORT OF THE MEMORIAL COMMITTEE

On September 10, 1956, Memorial Day Services were conducted for members of the Mississippi State Bar who departed this life during the year 1955-56. The Supreme Court Room was appropriately decorated with beautiful flowers and palms. The Chairman of the Memorial Committee presented the following resolution.

"And God shall wipe away
all tears from their eyes;
And there shall be no more death,
neither sorrow, nor crying,
Neither shall there be any more pain;
For the former things are passed away."

We pause to honor the memory of those of our profession who have passed through the Garden Gate into that mystic realm whence none, save One, has returned. We share with their loved ones the deep feeling of great loss and mingle our sympathetic tears with those who mourn in the sorrow of their passing from us. Great leaders and diligent workmen have slipped away from us for a while. We, together with all of our people, will miss them but their accomplishments for the cause of justice, mercy, truth and humble service will live forever in the archives of the written pages of history and in the hearts of their fellowmen.

Too often in our rush and hurry in this frantic age, we fail to express our love and devotion to our contemporaries until time has passed and they are with us no more. And, yet these who have gone knew that we loved and honored them, even when in the spirit of combat and keen rivalry of advocacy we seemed at times ready to dispatch them from our presence. They were each and all truly honorable men who sought diligently to advance the cause of truth, honor and justice for all mankind.

In the loving memory of their dreams, hopes and aspirations, let us remember

as we, too, travel through the labyrinth of human life that all find sorrow and sadness as well as joy and happiness, and realize as we labor that before the day has ended our own lives could be but a memory. Let us strive to maintain their every bright and shining examples.

Absent from us in response to the Higher Summons to greater experience are these brethren:

HON. J. E. ALDERMAN, Leaksville
HON. J. W. BARBEE, Hernando
HON. REECE O. BICKERSTAFF, Gulfport
HON. GERARD BRANDON, Natchez
HON. DEWEY T. BROWN, Sidon
HON. C. F. BYRNES, Natchez
HON. T. H. BYRD, Lucedale
HON. J. J. CASSIDY, McComb
HON. GATES IVY, West Point
HON. JOSEPH ELLIOTT JOHNSON, Batesville
HON. OSCAR JOHNSTON, Scott
HON. BENJAMIN KING, Hazlehurst
HON. D. M. MILLER, Hazlehurst
HON. WILLIAM BROOKS MILLER, Clarksdale
HON. JAMES R. McDOWELL, Memphis, Tennessee
HON. TOM FITE PAINE, Aberdeen
HON. EDWARD F. COLEMAN, Purvis
HON. CLAUDE E. CONNER, Columbia
HON. MILTON B. COOPER, Philadelphia
HON. FREDERICK Y. DABNEY, Vicksburg
HON. ICEY W. DAY, Kosciusko
HON. JAMES C. DODDS, Hazlehurst
HON. F. M. FEATHERSTONE, Indianola
HON. E. C. FISHEL, Hattiesburg (Judge)
HON. JESSE H. GRAHAM, Meridian (Judge)
HON. SANFORD M. GRAHAM, Meridian
HON. HARRY G. GWINNUP, Jackson
HON. W. J. HATTEN, Sumrall
HON. I. A. OLIVER, Jackson
HON. CHARLES H. NEWMAN, Jackson
HON. MINOR H. POOLE, Liberty
HON. W. W. SIMMONS, Cleveland
HON. JAMES MURPHY THOMAS, Tupelo
HON. R. A. WALLACE, Gulfport
HON. WALTER S. WELCH, Laurel
HON. FIELDING L. WRIGHT, Jackson and Rolling Fork

THEREFORE, NOW, BE IT RESOLVED By the Mississippi State Bar in Memorial Session assembled before the Supreme Court of the State of Mississippi on this, the 10th day of September, 1956, that we seek to emulate that which we admired and loved in our departed friends and brothers. That we retain and enjoy in our hearts and minds the gentle deeds and wise counsel each of them so often lavishly bestowed. That we record hereby the great loss that all have sustained in their passing. That we extend our sincere love and sympathy to their families and loved ones.

BE IT FURTHER RESOLVED That copies hereof be forwarded to the families of each of our departed friends and a copy be requested to be entered in the minutes of the Supreme Court of Mississippi, and of the Mississippi State Bar.

> "O Lord, support us all the day long, until the shadows lengthen and the evening comes, and the busy world is hushed, and the fever of life over, and our work is done. Then in Thy mercy grant us a safe lodging, and a holy rest, and peace at the last. —Amen"

Chief Justice Harvey McGehee responded to the Memorial Address as rendered by the Chairman. A majority of the members of the Committee were present.

The Chairman later called upon Honorable Forrest B. Jackson, Honorable Charles B. Snow, Honorable Ross Barnett, Honorable N. W. Overstreet, Jr., and several other

outstanding members of the Bar who paid beautiful tributes to the departed members of the Bar of Mississippi.

Mrs. Alice Nevels, our efficient secretary, handed resolutions to representatives of the families of the deceased members of the Bar.

Since our exercises in the State Capitol, the following members of the State Bar have gone to their rewards:

HON. J. M. ALFORD, Tylertown
HON. HENRY GRADY BATES, New Orleans, La.
HON. T. L. BAUER, Natchez
HON. LEE H. BIRD, Monticello
HON. P. H. BOWDRE, Henando
HON. GERALD W. CHATHAM, Hernando
HON. J. E. COOPER, Purvis
HON. R. L. CORBAN. Fayette
HON. C. J. CRAGGS, Cleveland
HON. J. A. CUNNINGHAM, JR., Booneville
MRS. FRANCES P. CUNNINGHAM, Jackson
HON. CARL E. FANKHAUSER, New Orleans, La.
HON. J. M. FORMAN, Indianola
HON. EUGENE GERALD, Leland
HON. JOSEPH D. GUYTON, Kosciusko
HON. H. G. HALL, Jackson
HON. JAMES A. WILTSHIRE, Magnolia
HON. CLAUDE V. HATHORN, Columbia
JUDGE J. B. HUGHES, Moorhead
HON. W. F. LATHAM, Quitman
HON. W. H. LIVINGSTON, Prentiss
JUDGE LUTHER MANSHIP, Jackson
HON. ROBERT E. NASON, Ackerman
HON. H. H. PARKER, Poplarville
HON. M. B. PORTER, Moselle
HON. S. G. SALTER, Hazlehurst
HON. SAM. RICHARD SMITH, Aberdeen
HON. ALFRED STONER, Greenwood
HON. J. D. VOLLOR, Vicksburg
HON. G. S. WATSON, Port Gibson
HON. ROBERT H. WELLS, Jackson
HON. RAY C. WHITTAKER, Jackson and New Orleans, La.
HON. C. M. WRIGHT, Meridian

We deem it proper that we pause here in respect to their memory.

REPORT OF THE MISSISSIPPI LAW INSTITUTE COMMITTEE

The Eleventh Annual Mississippi Law Institute was held at Hotel Edwards, Jackson, Mississippi, on December 7 and 8, 1956. The program for the Eleventh Annual Mississippi Law Institute consisted of the following:

(1) Testamentary Capacity;
(2) Recent Developments in—
  (a) Health and Accident Law,
  (b) Criminal Law, and
  (c) Workmen's Compensation Law;
(3) Tax Problems Common to Mississippi Practice—
  (a) Farmers' Tax Problems,
  (b) Tax Benefit Through Capital Gains, and
  (c) Individuals—Tax Suggestions;

On Friday morning, December 7, Dr. Gene L. Usdin of New Orleans, Louisiana, gave an informative discussion of "Testamentary Capacity" from the viewpoint of a doctor. On Friday afternoon Honorable Mark Martin of Dallas, Texas, discussed "Recent Developments in Health and Accident Insurance Law". Professor Richard Carter Donnelly of Yale University Law School then discussed "Recent Developments in Criminal Law". This talk was followed by a discussion by Professor Ben L. Small

of Indiana University School of Law on "Recent Developments in Workmen's Compensation Law".

The annual banquet was held on Friday evening, December 7, and Dean Robert G. Storey, Dean of Southern Methodist University in Dallas, Texas, delivered the annual banquet address. Dean Storey gave a very interesting talk on "Law and Lawyers in Soviet Russia".

The Saturday morning session consisted of tax problems common to Mississippi lawyers with Mississippi lawyers discussing various tax problems. The Honorable James Ed Smith of Carthage gave a discussion on "Farmers' Tax Problems". Honorable Ellis Griffith of Cleveland discussed "Tax Benefits Through Capital Gains" followed by a discussion by Honorable Charles A. Carter of Jackson on "Individuals—Tax Suggestions".

The Twelfth Annual Law Institute will be held at the Hotel Edwards on December 6 and 7, 1957. The program will consist of an Institute on Evidence and will have more to offer the average practitioner than some of the programs in the past.

THE MISSISSIPPI LAWYER COMMITTEE

The President of the Mississippi State Bar appointed for the first time a committee of the Mississippi State Bar to be known as the Mississippi Lawyer Committee with the purpose of supervising, improving and handling any problems facing the publication of the Mississippi Lawyer.

The first meeting of the committee was held in Jackson, Mississippi, on February 7, 1957. At this meeting problems facing the publication and future plans for the Mississippi Lawyer were discussed. Mrs. Alice Nevels, Business Manager, presented a financial report to the committee. The main problem facing the committee was a shortage of available funds in publishing the paper. It was decided that the basic advertising rates for the Mississippi Lawyer should be raised due to increased cost of publication and the narrow operating margin. The Mississippi Lawyer does not receive any regular appropriations from the Mississippi State Bar to cover the cost of publication.

The cost of the publication is paid for by paid advertisements; however, the Mississippi Lawyer received a special appropriation from the Bar to cover the cost of the June, 1956, edition, which edition carried the program and information on the speakers for the Mississippi State Bar Convention. This appropriation, in 1956, amounted to $274.69. Without this financial assistance the Mississippi Lawyer would have operated at a deficit.

In 1955 a new column, "From the President", was added to the publication as a regular column. The purpose of this column is to make available to your president a means whereby he can keep the members of the Mississippi State Bar informed as to current events and committee functions of the bar as well as keep the Bar informed as to his contacts with other bar groups.

With the June, 1957, edition a new column has been added called the "Secretary's Scratchpad." The purpose of the "Secretary's Scratchpad" will be to give informal information and notice to the members of the Mississippi State Bar as to matters that come to the attention of the Secretary. Of course, the Secretary will from time to time give reports of unusual events that occur around your Bar Office.

It is believed that the Mississippi Lawyer renders a real service to the Bar in disseminating important notices and interesting information. The Mississippi Lawyer has received some very favorable comments at the meetings of the American Bar

Association and other legal functions. It is highly recommended that the publication be given the whole hearted support of the Mississippi State Bar.

Your committee feels that one of the best ways that each member of the Mississippi State Bar can support the Mississippi Lawyer is to take it upon themselves to see to it that all Bar news from your local, district, and state organizations is sent to the Mississippi Lawyer.

REPORT OF THE PROCEDURAL REFORM COMMITTEE

The Committee on Procedural Reform respectfully submits the enclosed bill for consideration of the Mississippi State Bar, recommends its approval and its submission to the Legislature at its regular, 1958, session.

It will be noted that this is exactly the same bill that has already been approved by the Mississippi State Bar several times and to the approval of which at the 1952 Annual Meeting there was only one dissenting vote.

The objection has been raised that this bill is an attempt to infringe on the power of the Legislature. It is obvious that such contention is not correct because section 3 of the proposed bill provides that no rules submitted shall take effect until the Legislature has had an opportunity to pass upon such rules, and that the Legislature has power to amend any rule, to enact new rules and to reject any and all rules.

It will also be noted that section 4 provides for representation on the Judicial Council of trial judges, practicing lawyers and laymen and that the terms of the various members are staggered so that we shall never have an entirely new membership on such Judicial Council.

Another objection that has been made to the bill in the past is that it is simply an attempt to slip over the lawyers of Mississippi the Federal Rules of Civil Procedure. This is not correct for two reasons.

The first reason is that any rule which may be formulated will first be formulated by the proposed Judicial Council. On that Council will be nine (9) practicing lawyers. In addition to that, all proposed rules must be approved by the Supreme Court of Mississippi. Further, any and all rules formulated will be submitted to the Legislature.

Second, it is recognized by the Committee that, while some of the Federal Rules of Civil Procedure will be helpful in the practice in our State Courts, not all of them are adaptable to our state practice. In fact, the Chairman is opposed, and will be opposed, to any attempt to submit the Federal Rules of Civil Procedure as they now stand, as the rules for practice in our State Courts.

What has been said in the paragraph immediately above is not intended to minimize the value of the Federal Rules of Civil Procedure at all. The situation is simply that, as a practical matter, a number of States, including Colorado, have found that it was simply not practical to adopt entirely the Federal Rules of Civil Procedure. They just simply won't fit the local situation in every State. This has been the almost uniform experience of the various States.

The title of the bill is as follows:

AN ACT VESTING IN THE SUPREME COURT OF MISSISSIPPI THE POWER TO PRESCRIBE FROM TIME TO TIME GENERAL RULES OF PLEADING, PRACTICE, WRITS, PROCESS AND PROCEDURE IN CIVIL CASES AT LAW AND IN EQUITY IN THE CHANCERY, CIRCUIT, AND COUNTY COURTS OF THIS STATE: AND PROVIDING FOR SUBMISSION OF THE RULES SO

PRESCRIBED TO THE LEGISLATURE FOR REJECTION, MODIFICATION OR ADDITION THERETO.

PUBLIC RELATIONS COMMITTEE

The Public Relations Committee of the Mississippi State Bar has accomplished principally three things during the year.

First, the Committee has tried to place emphasis upon district radio and TV programs, under the name "You And The Law". The Committee helped the Lauderdale County Bar Association in connection with its weekly "You And The Law" TV program, which began July 3, 1956, and is seen weekly over Station WTOK-TV, Meridian. The lawyers in the counties comprised of Calhoun, Webster, Pontotoc and Chickasaw Counties initiated the weekly radio program, "You and The Law", commencing on March 10, 1957, which is broadcast weekly over Station WCPC, Houston. We should mention that the Forrest County Bar Association has the oldest "You And The Law" weekly radio program, and that it has now been heard weekly over Station WFOR, in Hattiesburg, since 1952, except for the summer months. We commend all of the lawyers in the above respective counties for rendering a great public service to our citizenry by the above TV and radio programs. We urge other lawyers and bar groups over the state to endeavor to initiate other radio and TV programs.

Second, the Committee has accumulated a vast amount of law phamphlets and newspaper releases during the year, which was obtained from bar associations of other states, and this material should be revised and rewritten to suit the applicable law in Mississippi. We recommend that the next Public Relations Committee solicit the aid of the faculty and law students at the University of Mississippi toward revising the above law phamphlets and newspaper releases. The new Committee might also study the advisability of organizing a Writer's Club among the lawyers of Mississippi to help accomplish the above objective.

Third, we have tried to create, within our profession, a greater interest in the work and importance of public relations. The Committee believes that the lawyers now realize, more than ever before, the need for better public relations in our profession. We recommend that the new officers of the Mississippi State Bar give serious study to the employment of a full time Public Relations Director, and that they take whatever action as is necessary under the circumstances.

We recommend that in the future, the title of Chairman of the Committee of Public Relations of the Mississippi State Bar be changed to the title of Director of Public Relations of the Mississippi State Bar, and that the other committee members serving thereon be designated as co-directors. These titles will be in line with similar committees in other states, and other bar association groups.

We also recommend that as soon as the stationery supply and other supplies having the name of "Mississippi State Bar" thereon is depleted, that the new officers show on all stationery, correspondence, or otherwise, the name "Mississippi State Bar" as being "Mississippi Bar Association", and that hereafter the name of Mississippi State Bar be designated and be known as Mississippi Bar Association. We believe that, from a public relations standpoint, this slight change will show more unity in our profession.

REPORT OF THE RESOLUTIONS COMMITTEE

Mr. President, these are the resolutions which have been approved by the Resolutions Committee for presentation to you.

I

"Whereas, the members of the Harrison County Bar Association have served as hosts to the Mississippi Bar at this annual meeting and have done everything necessary to provide pleasure and entertainment to the members of the Bar, their wives, and guests,

"Now, therefore, be it resolved by the Mississippi Bar that the thanks of all members in attendance be extended to the members of the Harrison County Bar Association for their untiring services and gracious hospitality during this annual meeting."

"Whereas, Honorable James O. Eastland, Honorable David F. Maxwell, Honorable Joseph F. Leopold and Honorable William M. Colmer have brought to this meeting of the Mississippi State Bar a message of great value to the members thereof and in so doing have rendered a distinct service to the Bar.

"Now, therefor, be it resolved by the Mississippi State Bar in annual meeting assembled that the profound thanks of the association be extended to each of these distinguished gentlemen who have thus addressed us."

"Whereas, the Buena Vista Hotel has entertained the members of the Mississippi State Bar at this meeting with traditional hospitality and to our complete satisfaction,

"Now, therefore, be it resolved that the gratitude and thanks of all members of the Mississippi State Bar in attendance be extended to the management and to its entire personnel."

II

"Whereas, there has been introduced in the Congress of the United States Senate Bill Number 1165 which provides for additional pay and promotion for members of the legal profession serving with the armed services in a legal capacity, bringing the pay and promotion status of military lawyers to a level commensurate with the accepted professional pay and promotion schedule now available to members of the medical and other learned professions serving with the military, and

"Whereas, it is the consensus of this association that lawyers should receive such commensurate compensation and rank, for their professional training and skills are certainly as valuable to the armed forces as those of the other learned professions, that the armed services are having great difficulty in procuring and obtaining even a minimum of military lawyers, and that if they are unable to do so it will be impossible to administer properly the present Uniform Code of Military Justice, that said code was made the basis of military justice largely through the efforts of civilian lawyers, and

"That we, therefore, have a responsibilty to insure its successful operation, and that finally this Bar has a peculiar interest in and knowledge of the needs and problems of the armed services.

"Therefore, be it resolved that the Mississippi State Bar Association endorse Senate Bill 1165 and urge upon the Congress of the United States its passage."

III

"Whereas, many articles are being published in legal periodicals on the subject of recent decisions of the Supreme Court of the United States in which decisions the Court has assumed that it has unlimited power to take jurisdiction of any case of any character, and

"Whereas, this attitude of the Supreme Court of the United States is dangerous and threatens the primary purpose of the founders of the Constitution of the United States, in which the Constitution provides that there shall be three branches of

the United States government: one, the legislative branch, two, the executive branch, and three, the judicial branch, and

"Whereas, for more than 150 years this government has operated under that Constitution and under the construction of the same that there were three independent branches, and

"Whereas, the Supreme Court of the United States has assumed that it had the unlimited power to regulate and prescribe rules and regulations for the other two branches of the government, namely, the legislative branch and the executive branch, and

"Whereas, the lawyers of this nation owe a duty to the people to defend and safeguard the Constitution of the United States and to see that it is construed agreeable to the law and not by rules of sociology and psychology, and

"Whereas, the Mississippi Bar feels that they owe a duty to the people of Mississippi to make public their construction of the Constitution of the United States and their construction of the powers and the limitations of the Supreme Court of the United States,

"Now, Therefore, be it resolved that the President be and he is hereby authorized to appoint a committee of not less than three and not more than five members from each congressional district, and that this committee be appointed by the President within 15 days after the adjournment of this annual meeting of the Mississippi State Bar, and

"Be it further resolved that it shall be the duty of the President to name the chairman of this committee and that it shall be the duty of this committee to meet within 15 days after they are notified of their appointment, and to organize and appoint subcommittees if necessary for the purpose of procuring the articles now being published and of causing to be published informative articles concerning the current decisions of the United States Supreme Court;

"Be it further resolved that this committee be, and they are hereby, given the power to prepare such rules and regulations as will govern the procedure and actions of the committee, and

"Be it further resolved that the President of the Bar elected at the June, 1957, meeting be made one of this committee.

"Be it further resolved that this committee be and it hereby is given the power to invite as many lawyers as it deems proper to confer with the committee in carrying out the intent and purpose of this resolution."

IV.

"Whereas, the University of Mississippi is the only institution in the State of Mississippi which operates a school of law fully accredited by the American Bar Association and the Associations of American Law Schools, and

"Whereas, many members of the Mississippi State Bar are graduates of the School of Law of the University of Mississippi, and

"Whereas, the University School of Law maintains the largest law library in the State of Mississippi, and

"Whereas, the *Mississippi Law Journal,* the official publication, is edited and published at the University of Mississippi, and

"Whereas, the University of Mississippi offers the Bar Association of the State of Mississippi an opportunity to avail itself of academic facilities in the arts, sciences and professions, and

"Whereas, the United States District Court for the Northern District of Mississippi is located at Oxford, Lafayette County, Mississippi, and members of this Bar As-

sociation are continually traveling between their homes and the United States District Court, in Oxford, in the practice of their profession, and

"Whereas, the State of Mississippi has constructed an airport known as the University-Oxford Airport, which is in close proximity to the University of Mississippi campus and the City of Oxford, Mississippi, and

"Whereas, members of this Bar Association are now required to travel by car or bus to the University of Mississippi and the City of Oxford, and

"Whereas, Trans-Texas Airways, a corporation, offers commercial airline service and has requested the Civil Aeronautics Boards to amend its certificate of public convenience and necessity to permit the said Trans-Texas Airways to offer scheduled airline service at the University-Oxford Airport, which service will connect with Greenwood, Mississippi, Jackson, Mississippi, and the larger cities in Southern Mississippi, and

"Whereas, such service would be of immeasurable value in the saving of time and money to the members of this State Bar Association, and also make more readily available the legal facilities now located at the University of Mississippi,

"Now, therefore, be it resolved that the Mississippi State Bar Association in annual convention assembled in the City of Biloxi, Mississippi, on this the 29th day of June, 1957, petition the Civil Aeronautics Board of the United States Government in Washington, D. C., to grant the request of the Trans-Texas Airways to amend its certificate of public convenience and necessity in order to provide scheduled airline service at the University-Oxford Airport, and

"Be it further resolved that a copy of this resolution be sent to the Civil Aeronautics Board at Washington, D. C."

V.

"Whereas, Julia Bailey Starnes, a native of Columbia, Mississippi, attended Whitworth College and received a degree in law library administration from Columbia University School of Law, and

"Whereas, she was elected Law Librarian in 1940, which position she now occupies and has occupied since that time, having been reelected to said post without opposition in the years 1944, 1948, 1952, and 1956, and

"Whereas, as State Law Librarian she has been ever-diligent in the performance of her duties, always courteous and helpful to members of the Bench and Bar of this state, has always evinced a sincere and genuine desire to improve the facilities of the state law library so as to render the best service possible to members of the legal profession, and

"Whereas, as an expression of our appreciation of her devotion to duty and her constant efforts to be of the utmost service to members of this association, we, the members of the Mississippi State Bar in convention assembled, believe that it is fitting and proper that she should be made an honorary member of this association.

"Now, therefore, be it resolved that Julia Bailey Starnes be and she is hereby made an honorary member of the Mississippi State Bar, and

"Be it further resolved that this resolution be spread upon the minutes of the association and that a copy hereof be presented to Mrs. Starnes."

REPORT OF THE SPECIAL RESOLUTIONS COMMITTEE

WHEREAS, Malcolm M. Roberts, of Hattisburg, Mississippi, served as President of the Mississippi State Bar Association for the year 1956-57, and

WHEREAS, Malcolm M. Roberts was born in Pascagoula, Jackson County, Mississippi, on October 24, 1895, and was admitted to engage in the practice of law in

1926. He attended the public schools of Jackson County, Mississippi, Mississippi State Teachers College at Hattiesburg, Mississippi, Mississippi State College, where he obtained a Bachelor of Science Degree, and George Peabody College at Nashville, Tennessee, where he received his Masters Degree. He received his legal education at the University of Mississippi at Oxford, and is a member of Phi Delta Phi Fraternity, and

WHEREAS, Malcolm M. Roberts has distinguished himself as a member and past President of the Forrest County Bar Association, and he has actively participated in and is a member of the American Bar Association, Federation of Insurance Counsel, American Judicature Society, American Counsel Association, Association of Insurance Attorneys, Atlanta Claims Attorneys, Commercial Law League, International Association of Insurance Counsel, American Society for Legal History, and

WHEREAS, Malcolm M. Roberts is a member of the American College of Trial Lawyers, the membership of which is limited to one percent of the practicing lawyers in any State, and could only attain membership in this organization after having been recognized by the legal profession as an outstanding and particularly skillful trial lawyer. He is one of only six members in the State of Mississippi,and

WHEREAS, Malcolm M. Roberts was chosen by the members of the Mississippi Delegation to the House of Delegates of the American Bar Association as one of five lawyers of the State of Mississippi, whose professional, public, and private careers have demonstrated their outstanding dedication to the welfare of their community and the maintenance of the major objectives of the American Bar Association. He was further honored with membership in the Fellows of the American Bar Foundation, which is a distinct, professional privilege.

WHEREAS, Malcolm M. Roberts served as President of the Mississippi State Bar Association with honor and distinction. and contributed vigorously and generously of his time and talent to a successful year. His capable leadership was manifested at all times with a deep and sincere regard for the noble and honorable profession, and

WHEREAS, Malcolm M. Roberts has made a substantial contribution to the Mississippi State Bar Association by his efficient, sincere, and capable service, in keeping with the high ethical standards of professional conduct, and an exemplary personal life.

NOW, THEREFORE, BE IT RESOLVED by the Mississippi State Bar Association, that we, by this means, express our gratitude to Malcolm M. Roberts for his unselfish service rendered to the lawyers of Mississippi, and extend to him our highest commendations for an administration characterized by outstanding efficient, capable, and honorable leadership.

BE IT FURTHER RESOLVED, that the original of this resolution be furnished to Malcolm M. Roberts, and a copy thereof be spread upon the official Minutes of the Mississippi State Bar Association.

REPORT OF THE UNAUTHORIZED PRACTICE OF LAW COMMITTEE

In planning the program of work for the Mississippi State Bar this year it was determined that there should be established an Unauthorized Practice of the Law Committee. This committee was appointed by your President and has served during the past year. Upon investigation, the committee itself discovered no unauthorized practice of the law of any serious consequence, nor did the committee receive any complaint from the members of the Bar of any unauthorized practice. The committee is of the opinion that although there may be isolated instances of unauthorized practice, the Mississippi State Bar as a whole has no unauthorized practice of the law problem at this time.

The committee recommends the continuance of the work of the committee in order that complaints of unauthorized practice may be handled promptly, should they arise.

COMMITTEE REPORTS – JUNIOR BAR SECTION

BYLAWS STUDY COMMITTEE

This committee believes that the Mississippi Junior Bar Section's Bylaws should be amended so as to provide (1) that a member of the Section shall remain qualified for membership during the remainder of the fiscal year during which he or she becomes thirty-six years of age, and (2) that Executive Committee membership terms be "staggered" in order to have three members each fiscal year – that is the year during which we run our business, our membership and all—with previous experience.

Therefore, the Bylaws Study Committee respectfully recommends to the Junior Bar Section that Section 2, Article III of the Bylaws of the Junior Bar Section of the Mississippi State Bar be amended to read as follows, to wit:

> "All members in good standing of the Mississippi State Bar who are under thirty-six years of age shall be members of the Section, provided, however, that a member of the Section reaching thirty-six years of age shall continue in membership during the remainder of the fiscal year in which he or she attains said age, and provided, further, that this shall not be construed to remove or separate them in any way from their connection with the State Bar, either during or after their membership in the Junior Bar Section;"

and that Section 1, Article III of said Bylaws be amended to read as follows, to wit:

> "The governing body of this Section shall be an Executive Committee composed of eleven members. Two of these members shall be the President and Vice-President, who shall be elected by the Section as a whole. The remaining nine members shall be elected equally from the three Supreme Court districts in the manner set forth in Section 3 hereof;"

and that Section 3, Article III of said Bylaws be amended to read as follows, to wit:

> "For the fiscal year 1958-59 six members of the Executive Committee, two from each Supreme Court district, shall be elected for terms of one year each, and three members of said Committee, one from each district, shall be elected for terms of two years each, or, in each case, until their successors have been elected or appointed. For each succeeding fiscal year three members of said Committee, one from each district, shall be elected for terms of one year each, and three members, one from each district, shall be elected for terms of two years each, or, in each case, until their successors have been elected or appointed. The method of election shall be the same as for Bar Commissioners;"

and that Section 2, Article VI of said Bylaws be amended to read as follows, to wit:

> "The officers shall be elected for a term of one year, except as provided for Executive Committee members in Section 3, Article III, or until their successors have been elected or appointed. The officers shall be elected on the first day of the annual convention of the Mississippi State Bar."

However, the first three of these recommended amendments, if desired, would have to be accomplished through action of the Mississippi State Bar, because they apply to Article III, "Resolutions of the Mississippi State Bar Establishing the Junior Bar Section of the Mississippi State Bar," and in order to comply with the provisions

of Article II, "Amendments", and Article IV, "Extent of Authority of the Junior Bar Section", Section 2. Therefore, if desired, the Junior Bar Section should endorse these recommended amendments by actual vote and forward same at once to the Mississippi State Bar for action at this convention.

LEGAL AID COMMITTEE

At the present time the maintenance of legal aid facilities in Mississippi is carried on solely through the efforts of the local bar associations. The obvious reason for lack of a statewide program is the present difficulty in coordinating such a program inasmuch as legal aid is in its infancy, so to speak, in the State of Mississippi. At the present time only a few counties in the state have any organized plan or program to carry on legal aid, although members of the bar have, as their custom has been in the past, done this legal aid or charity work for the indigent in their own offices through a feeling of duty to the community to do so, and in the absence of any organized program.

It is recommended that further attempt be made through the Bar Association in conjunction with the Junior Bar Association to initiate interest among local bar associations to take action in their own legal aid organizations so that this problem may be handled on a more organized basis throughout the state and thus become available to many of those indigent persons who otherwise would be forced to go wholly without legal assistance in their hour of need. We recommend that the committee of the State Bar Association be authorized to use the facilities of the offices of the State Bar Secretary in order to foster and promote this interest throughout the local bar associations of the State.

LIAISON COMMITTEE BETWEEN THE LEGAL AND MEDICAL PROFESSIONS

The Liaison Committee has in the past been a more or less inactive committee, but in the past two years there has been an effort on the part of the Executive Committee to get a little life into this liaison committee between the bar and the medical profession. It is to your advantage as lawyers and to the doctors advantage to have a liaison between the two professions. A doctor scared of a lawyer and a lawyer scared of a doctor, whether in consultation in your office or in the courtroom, is not a good arrangement, and there is a lot that can be done and should be done to remedy that situation and help the lawyers and help the doctors understand their mutual problems.

Russel Moore has had two conferences with Roland Kennedy, Secretary of the Mississippi Medical Association, and Dr. H. C. Hicks, immediate past President of the Medical Association, in connection with this problem. The Medical Association is interested in working with the Bar Association in any manner they can to bring a good liaison relationship. The Committee recommends that further work be done in this connection and that a committee be formed to work with the Medical Association and the doctors in the community or state where a question might come up involving the relationship between doctors and lawyers.

REPORT OF THE PUBLIC RELATIONS COMMITTEE

The Public Relations Committee of the Junior Bar Section of the Mississippi State Bar Association has conducted the work recommended by its predecessors under

the five principal subcommittees: Information Subcommittee, Radio-Television Publicity, Newspaper Publicity, Speakers Bureau, Medico-Legal Relations.

The Committee believes that the public relations work of the Bar has resulted in significant improvement of understanding of the lawyer's part in the business and economy of our state.

The committee recommends that the present subcommittee set up be continued and that the Newspaper Subcommittee broaden the scope of its work to include a service whereby information be made available to newspaper reporters covering the courtroom beat in connection with their reporting of litigated matters so that their reports may be more factual, more representative and less sensational. The Committee has found in the past that such reporters are prone to misread or misunderstand pleadings and other documents with the result that the publicity given is often harmfully inaccurate to the Bar. The Committee does not intend that any lawyer or group of lawyers should secure any personal publicity in this manner but only that the reporter be assisted in making his news story more accurate.

SEMINAR FOR YOUNG LAWYERS

On April 20th this year the Executive Committee tentatively approved that the Mississippi State Bar establish a Law Institute for the education of new practitioners in the state.

Primarily, the attempt would be to bridge the gap between the law school and practice. The Junior Bar Section would take the young practitioner after he had been admitted to the bar and in one week conduct a series of tours and lectures designed to teach the mechanics of law, for example, (1) the mechanics of criminal actions; (2) drafting and execution of wills and administration of estates; (3) mechanics of divorce actions and related matters; (4) title examinations and closing real estate transactions; (5) preparation and trial of negligence actions; (6) organization of small businesses; (7) mechanics of the courts, including proper jurisdiction, service of process, and so forth; and (8) mechanics of a collection account.

In other words, it was the thought of the Executive Committee that the average man who comes out of law school not only didn't know where the courthouse was, but the thought of the Junior Bar Executive Committee was that the Junior Bar could put in the hands of these young lawyers some of the basic mechanics they should know.

Now, the Institute, if it is to be held, is to be held once a year shortly after the graduation of the largest class of the University. Some fee would have to be charged. It is $25.00 in Florida.

A committee was appointed by the Executive Committee to give this matter consideration and make a recommendation to this Convention. After consideration it is the recommendation of the Committee that the new Executive Committee proceed to establish such an institute, that a full committee of ten persons be appointed, and that the first Institute be held in the summer or fall of 1958.

APPENDIX B

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Thomas M. Tann
Box 1505
O. B. Taylor
Box 896
O. B. Taylor, Jr.
Box 896
Rowan H. Taylor
Box 896
Swep S. Taylor, Jr.
Box 912
Scott Tennyson
Box 1367
Lowell William Tew
823 Plaza Bldg.
Sidney R. Tharp
539 N. Farish St.
Earl T. Thomas
Box 158
Allen C. Thompson
Mayor, City Hall
Fulton Thompson
Box 410
J. W. Thompson
Box 2002
Robert H. Thompson
Box 410
Bernard L. Tighe
416 Plaza Bldg.
Bowman Stirling Tighe
416 Plaza Bldg.
E. B. Todd
429 Tombigbee St.
Robert C. Trainor
957 North St.
Cecil F. Travis
Box 995
John A. Travis, Jr.
Box 807
Howard B. Trimble
4618 Clinton Blvd.
Mrs. Betty B. Tucker
507 E. Pearl St.
Felix J. Underwood, Jr.
Box 648
Robert W. Upchurch
2623 Clinton Ave.
William L. Waller
Box 1261
Ben H. Walley
572 Wellington Rd.
O. B. Walton, Jr.
1600 Eastover Dr.
F. A. Ward
238 Texas Ave.
H. V. Watkins
Box 427
Thomas H. Watkins
Box 650
W. H. Watkins
Box 650
J. Raiford Watson
Box 2472
Richard T. Watson
962 Whitworth St.
Calvin L. Wells
Box 158
Erskine W. Wells
Box 158
W. Calvin Wells, Jr.
Box 158
W. Calvin Wells, III
Box 158
Will S. Wells
513½ E. Capitol
John A. Welsch, Jr.
Box 1213
John McColloch Weston
Box 1224
Arthur C. Whittemore
Box 1269
Frank T. Williams
Box 1172
James M. Wilson
Box 8487
Sherwood W. Wise
Box 157
George F. Woodliff
Box 326
Thomas H. Woodrow
Box 1103
Fielding L. Wright, Jr.
Box 961
William G. Wright
The Texas Co.
Standard Life Bldg.
L. A. Wyatt
Millsaps Bldg.
Robert K. Yandell
501 Barnett Bldg.
Clarence N. Young
1st Nat'l. Bk.
Jack H. Young
115½ N. Farish
James L. Young
Box 2061
J. Will Young, Jr.
Box 2061
Frank Youngblood
Box 2009

KOSCIUSKO

John Frank Allen
Joe Frank Allen
John Percy Allen
William Dixon Brooks
Box 827
Aaron R. Condon
Box 709

David E. Crawley, Jr.
Crawley Bldg.
James T. Crawley, Jr.
Box 827
William Reynolds Ford
Crawley Bldg.
D. H. Glass
John Davis Guyton
Box 590
Chatwin M. Jackson, Jr.
Box 189
John Clark Love
Alton Massey
C. E. Morgan
126 W. Washington St.
Clarence E. Morgan, Jr.
Box 348
G. J. Thornton
Harold W. Williams
517 Lucas St.
Claude Jackson Woodward
Doty Bldg.

LAMBERT

Walter E. Dreaden, Jr.
Box 215
Hoke Stone
Van D. Stone

LAUREL

J. L. Austin
Box 121
W. A. Beard, Jr.
1st Nat'l. Bk. Bldg.
E. C. Bonney
Box 967
M. W. Boyd
Box 111
William S. Boyd, Jr.
Box 554
Ronald C. Brown
Box 496
James R. Buchanan
Box 230
M. M. Bush, Sr.
Box 995
Lampkin Butts
Box 817
J. Edwin Campbell
Box 584
Ralph P. Campbell
Box 638
B. F. Carter
Norman Bldg.
Judge Lunsford Casey
Courthouse
Miss Dorothy Clower
Box 2008, Choctaw Sta.
Elson K. Collins
Box 732
F. B. Collins
308 Wallace Bldg.
Jeff Collins
Norman Bldg.
Edwin Phillips Connolly
Box 527
Frederick G. Cox
Box 364
Jack Deavours
Box 106
William M. Deavours
Box 106
Grover Doggette
Manhattan Bldg.
Herbert H. Dyke
Masonite Corp.
Albert E. Easterling, Jr.
517½ Central Ave.
C. C. Evans
Oak St.
Carroll Gartin
Lieutenant Governor
C. Denton Gibbes, Jr.
Box 2008, Choctaw Sta.
Stewart J. Gilchrist
409 1st Nat'l. Bk. Bldg.
Ernest W. Graves
Box 2008, Choctaw Sta.
James D. Hester
Box 713
Henry Hilbun, Jr.
Box 106
Harry E. Koch
1st Nat'l. Bk. Bldg.
George D. Maxey
O'Ferrell Bldg.
L. B. Melvin
Box 1061
Leonard B. Melvin, Jr.
Box 1061
Harold Waits Melvin
Embrey Bldg.
Harry A. Mitman
Masonite Corp.
Goode Montgomery, Jr.
Box 230
H. C. Moynihan
519½ Central Ave.
Judge Roy P. Noble
Chancellor
William Harold Odom
Box 354
Larry A. Pacific
Kalmia Bldg.
Samuel V. Pack
1st Nat'l. Bk. Bldg.
Kalford C. Ratcliff
203 1st Nat'l. Bk. Bldg.
Quitman Ross
1st Nat'l. Bk. Bldg.
A. S. Scott
Andrew S. Scott, Jr.
Box 403
Philip E. Stevens
Box 475
Pershing B. Sullivan
Box 1105
Paul G. Swartzfager
416½ N. Magnolia
Philip M. Swartzfager
Box 121
Raymond C. Swartzfager
Box 121
C. H. Walker
Box 638
Guy M. Walker
Box 2098, Choctaw Sta.
Milton B. Weems
Box 106
David C. Welch
Box 2008, Choctaw Sta.

LELAND

D. Hilton Waits
William B. Waits
Taylor Webb
Box 414

LEXINGTON

Pat M. Barrett
Joseph E. Berman
H. H. Johnson
P. P. Lindholm
G. H. McMorrough
D. T. Ruff
H. Edwin White
Parham H. Williams, Jr.

LIBERTY

T. F. Badon
Box 21
C. T. Gordon
Joe D. Gordon
Kenneth Gordon
Box 373
F. W. Stratton

LONG BEACH

Pete H. Carrubba
Box 102

LOUISVILLE

R. W. Boydstun, Jr.
Box 342
Charles D. Fair
J. Hoy Hathorn
Masonic Bldg.
Edward M. Livingston
Neal Prisock
Frank L. Reich
Box 412
Judge Henry L. Rodgers
Circuit Court
Burris Olen Smith
Box 328
Harold G. Stringer
W. A. Strong, Jr.
Box 328

LUCEDALE

William Thames Bailey

H. M. Hunter
Route 1
Maurice L. Malone
Box 228
Darwin M. Maples
J. O. Moss
Williams S. Murphy
Hugh G. Rowland
Box 547

MACON

E. H. Britton
W. B. Lucas
L. L. Martin
John Alton Phillips
J. P. Stennis

MAGEE

T. M. Bishop
General Delivery
L. R. Floyd
Isom Harrington
Billy C. Little
A. W. McRaney
R. C. Russell

MAGNOLIA

O. W. Phillips
225 E. Bay St.
Billy Dan Statham
Simmons Bldg.

MARKS

E. C. Black
Ben M. Caldwell
W. A. Cox
P. L. Denton
Ney M. Gore, Jr.
Lomax Lamb, Jr.
Eugene Thompson

McCOMB

Louis Alford
Box 8
Milton Anton
329 Michigan Ave.
Robert White Brumfield
Box 1097
John B. Ewing
Box 599
Norman B. Gillis, Jr.
Box 534
Judge F. D. Hewitt
Chancellor
Bert H. Jones
Brent Bldg.
William Vaught Lenoir, Jr.
Box 663
L. S. McClaren
Box 201
Gerald M. McMillan
Box 201
Joe N. Pigott
Box 940
R. B. Reeves, Jr.
Box 1097
J. Gordon Roach
Brent Bldg.
Judge Hansford L. Simmons
Laverne Varnado
Box 1055
Thomas E. White
Box 731
William A. Wiltshire
Box 1061

McLAIN

Curtis V. Breland
Box 158

MEADVILLE

C. F. Cowart
L. L. Forman
Charles Herring
Box 265
W. Wilson Hewitt
Dan R. McGehee
H. B. Mayes McGehee
Judge James A. Torrey
Circuit Court
Sanford P. Torrey

MENDENHALL

Thomas B. Alexander
A. K. Edwards
Box 66
George B. Grubbs
Box 217
James B. Sykes
J. W. Walker
Box 37
Connie S. Whitfield
Box 438

MERIDIAN

J. P. Abston
Box 1952
Gerald Adams
Threefoot Bldg.
Bemis O. Bailey
Box 688
Brad B. Bailey
2314 — 17th St.
Harold M. Bailey
Box 1967
L. D. Beard
324 Lamar Bldg.
Thomas D. Bourdeaux
Box 2009
Albert S. Bozeman
304 Lamar Bldg.
A. S. Bozeman, Jr.
304 Lamar Bldg.
Frank J. Buchanan
U. S. F. & G. Bldg.
Sam O. Buckley
202 Shields Bldg.
James A. Burns
2513 — 5th St.
Paul M. Busby
214 Courthouse
Judge Ben F. Cameron
1205 Threefoot Bldg.
Charles B. Cameron
407 Citizens Nat'l. Bk.
Bldg.
Winston Cameron
Box 888
Edwin K. Clayton
Box 711
W. L. Clayton
1513 — 25th St.
Robert Daniel Coit
300 Rosenbaum Bldg.
Ross A. Collins
602 Citizens Nat'l. Bk.
Bldg.
William Bond Compton
Box 845
Lester Stanley Cook
c/o Judge Ben F. Cameron
U. S. Court of Appeals
Lyle V. Corey
310 Lamar Bldg.
Albert A. Covington
1620 - 26th Ave.
J. A. Covington, Jr.
Box 786
Dal Macknight Crenshaw
RFD 6, Marion-Russell Rd.
Robert H. Crook
Box 289
Robert B. Deen, Jr.
Box 888
C. L. Denton
Box 804
William S. Dickson
U. S. F. & G.
Edwin A. Dunn
Threefoot Bldg.
J. Thomas Dunn
Threefoot Bldg.
Walter W. Eppes, Jr.
2015 — 12th St.
George M. Ethridge, Jr.
305 Lamar Bldg.
J. C. Floyd
Box 888
G. Rayner Gaillard
300 Rosenbaum Bldg.
Cecil E. Gantt
Box 449
V. W. Gilbert
407 Citizens Nat'l. Bk.
Bldg.
Champ C. Gipson
Box 804
Judge J. Ray Gipson
Box 442

J. V. Gipson
Box 804
Thomas L. Goldman
Box 1501
Jesse H. Graham, Jr.
2100 — 29th Ave.
William J. Gunn, Jr.
Box 222
Miss Edith M. Guy
Kidder Bldg.
John M. Harmon
Box 1443
Robert Hunter Harmon
Box 711
J. E. Harwell
Box 1987
Gilbert F. Heinbaugh
3615 — 26th St.
Thomas M. Hendricks, Jr.
3136 — 16th Ave.
Thomas K. Holyfield
308 Lamar Bldg.
J. Knox Huff, Jr.
300 Rosenbaum Bldg.
Philip D. Hughes
2115 — 28th Ave.
Alvis C. Johnson
Box 824
Granville Jones
Box 1562
S. B. T. Jones
Box 711
Maurice F. Kahlmus
Box 1402
Miss Betty Jane Long
917 Threefoot Bldg.
Richard Guy Lord
Box 965
Joe W. Magee
Box 2062
M. V. B. Miller
Box 849
Thomas Y. Minniece
305 Lamar Bldg.
S. R. Nettles
903 — 31st Ave.
Judge William deB. Neville
Chancellor
John J. O'Brien
3807 Fifth St.
James E. Palmer
614 Threefoot Bldg.
Howard R. Pigford
Box 1501
Lawrence W. Rabb
Box 2142
Donovan Ready, Jr.
Box 1550
William Emmett Ready
Box 1550
Fred M. Rogers
1823 — 34th St.
Mrs. Margaret E. Rogers
310 Pigford Bldg.
Fred A. Ross
Box 1149
C. D. Shields
Box 367
Roger B. Shows
Threefoot Bldg.
James F. Shumate, Jr.
Box 1445
James Taylor Singley
Threefoot Bldg.
Lavalle Smith
Rosenbaum Bldg.
E. L. Snow
Box 786
Mrs. E. L. St. Germain
2104 — 14th St.
E. Donald Strange
909 Threefoot Bldg.
Ernest T. Strange
909 Threefoot Bldg.
De Quincy V. Sutton
Threefoot Bldg.
W. A. Temple
Box 1641
Robert L. Tinsley, Jr.
Box 1327
J. M. Travis
Box 682
Thomas R. Ward
Rosenbaum Bldg.
George D. Warner
Box 888
Homer C. Watkins
Box 1952
Thomas K. Watts
411 Threefoot Bldg.
Harley A. Weeks, Jr.
Box 221
J. C. Wilbourn
Box 965
J. Pat Wiley
Box 804
James David Williams
Box 965
Marvin Williams
300 Rosenbaum Bldg.
Donald W. Williamson
Box 425
Lester F. Williamson
Box 86
N. S. Williamson
Box 86
L. E. Wills
Box 566
Gibson B. Witherspoon
Box 845
Henry S. Woodall
Box 11
Russell Wright
Box 385

MONTICELLO

Shirley Magee
Judge J. Neville Patterson
Chancellor
J. P. Patterson
J. Kenneth Riley
Drawer 247
E. A. Turnage
Box 188
Robert Glenn Turnage
Box 325

MOORHEAD

Harry Diamond
Ben Himelstein

MORTON

Charles G. Clifford
Edmund A. Wilson
Box 135

MOSS POINT

Frank J. Hammond, Jr.
Box 402

MOUND BAYOU

B. A. Green

MOUNT OLIVE

Edwin L. Calhoun
D. A. McLeod

NATCHEZ

Lawrence Adams
Box 599
William A. Allain
Box 133
Lester Alvis, Jr.
Box 332
Basil G. Ballard
500 S. Commerce St.
Sidney F. Beck, Jr.
604½ N. Union
Frederick C. Berger
11 Levy Bldg.
Louis S. Bills, Jr.
City Bk. & Tr. Co.
Judge Robert A. Bonds, Jr.
508 Main St.
G. H. Brandon
J. M. Brandon
Joseph E. Brown
Box 485
Joseph E. Brown, Jr.
Box 485
B. C. Callon
11 Levy Bldg.
Carl A. Chadwick
Box 225
Judge Walter D. Coleman
Chancellor
Curtis Lee Collins
328½ Main St.
E. H. Fitzpatrick, Jr.
Box 226
Richard Brent Forman, Jr.
Box 599

W. A. Geisenberger
7 Fry Bldg.
John T. Green
Box 222
Thomas K. Green, Jr.
Box 262
Lucien C. Gwin
Box 375
G. Stuart Handy, Jr.
Graham H. Hicks
Box 364
O. M. Hornsby
Forrest A. Johnson
Box 174
James H. Keyer
Robert D. Kuehnle
City Bk. Bldg.
S. B. Laub
Box 599
Miss Eunice V. Johnson
405 Franklin
James Claude McGehee
512 Main St.
John Ernest Mulhearn
116 S. Pearl St.
Clyde W. Mullins
319 Main St.
Robert L. Netterville
200 Natchez Times Bldg.
Mrs. Martha M. Parsons
161-B Pharsalia Apts.
C. F. Patterson
Box 92
C. L. Ratcliffe
Levy Bldg.
E. H. Ratcliff
William F. Riley
504 Main St.
William Marion Smith
Box 599
E. G. Truly, Jr.
Box 599
Frank W. Walden
319 Main St.
Edwin C. Ward
Box 599
Miss Anabel Y. Welch
611 Jefferson St.
Calvin B. Wells
Fry Bldg.
Robert Young Wood, Jr.
815 Main St.
Joseph S. Zucarro, Jr.
Box 352

NEW ALBANY

J. E. Boone
Box 42
Hugh N. Clayton
Box 157
Tom Leslie Darden
Baxter N. Knox
Box 336
W. L. McDonough
Bankhead Bldg.
Edgar J. Stephens, Jr.
Union Lumber Co. Bldg.
Lester F. Sumners
Box 123

NEW AUGUSTA

John M. Dunnam, Jr.
Box 167
H. D. Young

NEWTON

A. B. Amis, Jr.
D. M. Anderson
Box 7
R. S. Majure
Box 220
S. T. Roebuck
124 S. Main St.

OCEAN SPRINGS

Miss Amy Burkett
919 Washington Ave.
G. T. Hellmuth
Box 416
Alfred R. Moran
Box 186
Hannis E. Platt
12 E. Porter St.
Schuyler Poitevent, Jr.

OKOLONA

George Bean
H. L. Morrison
Walter M. O'Barr
Box 309

OXFORD

Omar Dell Craig
Box 507
Miss Euple Dozier
Box 191
Thomas R. Ethridge
Box 191
W. N. Ethridge
Box 566
J. W. T. Falkner
1113 Jackson Ave.
John H. Fox, III
Dwayne L. Hale
210 Sivley Ave.
Will A. Hickman
Box 125
William Walker Joor
Box 207
Judge Taylor H. McElroy
Circuit Court
Fred Barringer Patton
518 Tyler Ave.
James W. Price
100 S. Lamar St.
Bramlett Roberts
Somerville Bldg.
Guy N. Rogers
Box 191
Phil Stone
Box 269
Chester L. Sumners
Box 430
R. X. Williams
Lyric Theatre Bldg.

PASCAGOULA

W. E. Belt
Box 15
John F. Bryan, Jr.
Box 1392
James H. Colmer
Box 244
Donald W. Cumbest
Box 11
Herbert D. Farrell
Box 622
Charles W. Ford
Box 469
J. I. Ford
Box 469
E. M. Galloway
427½ Tucker St.
John D. Gautier
Box 52
H. W. Gautier
300 Canty St.
Henry B. Gautier
300 Canty St.
Judge H. P. Heidelberg
Chancellor
O. L. McLeod
Box 609
Carl A. Megehee
Box 183
Charles S. Mitchell
Mosley Bldg.
Joe A. Moore
Box 161
Robert Holmes Oswald
Box 175
Merle F. Palmer
Box 59
Willard L. Richardson
Box 59
Harold M. Seamen
605 9th Street
George M. Simmerman
Mosley Bldg.
D. J. Simmons
Box 127
Milton M. Walker
Box 282
L. A. Watts
Box 244
Karl Wiesenburg
Box 26

PASS CHRISTIAN

C. R. Jones, Jr.
Box 203
William E. Logan
230 West Beach

PETAL

H. B. Lingle
Box 695

PHILADELPHIA

Herman W. Alford
Citizens Bk. Bldg.
Judge J. K. Gillis
Chancellor
J. B. Hillman
Bk. of Philadelphia Bldg.
Clayton Lewis
Box 162
Wilburn D. Moore
Robert Prisock
408 Crockett Ave.
W. H. Sanford
Citizens Bk. Bldg.
Dees Stribling
Masonic Bldg.
Laurel G. Weir
Box 156
W. T. Weir
208 Stubbs Bldg.

PICAYUNE

Delos H. Burks
Box 216
Emile J. Gex, Jr.
620 Stovall Ave.
Charles R. Holladay
Box 177
Grayson B. Keaton
205 Bk. of Picayune Bldg.
R. E. Steen
207 Bk. of Picayune Bldg.
Ray M. Stewart
Box 269
J. E. Stockstill
203 Bk. of Picayune Bldg.
Tate Thigpen
113 First St.
Granville H. Williams
114½ E. Canal St.
Mrs. Marguerite A. Williams
Box 3

PITTSBORO

E. L. Lamar
Box 92

PLANTERSVILLE

Joe Sanford Deaton
Box 59

PONTOTOC

Jackson D. Doty
First Nat'l. Bk. Bldg.
J. B. Fontaine
Judge William H. Inzer
Chancellor
Boudie A. Jaggers
Box 364
B. P. Mauldin
Kendall C. Rayburn
John A. Rayburn, Jr.
c/o W. B. Wood
Fred Wicker
Box 232

POPLARVILLE

J. B. Mayfield
J. M. Morse
Joshua M. Morse, III
William Hampton Stewart
E. B. Williams
Bk. of Commerce Bldg.
E. B. Williams, Jr.
Bk. of Commerce Bldg.
Lampton O. Williams
Bk. of Commerce Bldg.

PORT GIBSON

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Circuit Court
Joseph Davenport, Jr.
Edwin D. Davis
Box 602
Joseph Turpin Drake, Jr.
Robert Douglas Gage, III
Box 224
Parham M. Watkins
Karl Weil

PRENTISS

Joseph Dale
Luper Bldg.
O. W. Johnson
Robert Livingston
Floyd P. Smith
Box 355
Earl R. Wilson
Luper Bldg.

PUCKETT

Mrs. Zulah M. Purvis

PURVIS

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Box 92
L. C. Bridges
A. Q. Broadus
Elmer A. Canfield
Box 188
William S. Fine
Bobby J. Garraway
C. Gerald Purvis
Jesse W. Shanks
Box 367
T. L. Williamson

QUITMAN

John Sharp Butler
Robert E. Covington, Jr.
Jeff Carter Bldg.
G. F. Dabbs, Jr.
Box 155
Andrew J. Reese, Jr.
Box 231
Tally D. Riddell
Box 155
J. E. Shirley

RALEIGH

S. W. Craft
Judge Homer Currie
Circuit Court
Victor J. Ford
Daniels Bldg.
Luther David Pittman
R. S. Tullos
O. O. Weathersby

RAYMOND

James Hermon Adams
H. B. Gillespie, Jr.
Andrew John Hannon
Joe G. Moss
Box 144

RICHTON

W. F. Burdette
Sidney B. Majure
C. C. Smith
Miss Jean S. Wilson

RIPLEY

W. H. Anderson
Benton W. Elliott
George W. Floyd, Jr.
General Delivery
H. G. Ladner, Jr.
Marion D. Roten
Box 375
Fred B. Smith
Robert Bruce Smith

ROLLING FORK

J. R. Christenberry
Box 353
E. C. Clements
Herman C. Glazier, Jr.
John S. Joor
Box 175
Albert V. Miller
Box 193
J. Wesley Miller
Box 453

ROSEDALE

W. C. Roberts
Walter Sillers
A. F. Valentine

RULEVILLE

Robert D. Everitt
L. P. B. Lipscomb
O. E. Wiley

SARDIS

Herbert M. Fant
Box 65
John B. French
Box 365
R. Taylor Keys
James McClure
Box 95
James McClure, Jr.
Box 95
Judge Curtis M. Swango, Jr.
Circuit Court

SENATOBIA

Judge Herbert Holmes
Chancellor
Roy E. Johnson
310 Tate St.
Brinkley Morton
309 Tate St.
L. P. Puryear
Dick R. Thomas
309 Tate St.
Nathaniel Greene Troutt
313 E. Tate St.

SHAW

Raynold Chiz

SHELBY

C. W. Burke
Wayne Thompson
Wallace Wooten

STARKVILLE

L. W. Brown
Drawer 29
P. Lanier Douglas
103 W. Main
Judge John D. Greene, Jr.
Circuit Court
George F. Henry, Jr.
Courthouse Square
Edward F. McDowell
Court Square
William Quinn McKee
Court Square
Joseph W. Thomson, Jr.
Box 289
B. M. Walker, Jr.
Box 289
Will E. Ward
Box 106
William Henson Ward
Box 106

STATE COLLEGE

William Byron Long
Box 1146

SUMMIT

Gent Hutchison

SUMNER

J. J. Breland
C. Sidney Carlton
Robert Harvey Henderson
Joseph K. Kellum
W. M. Simpson, Jr.
c/o Sumner Sentinel
J. W. Whitten, Jr.

SUNFLOWER

Mrs. Zelda Labovitz
Robert P. Roberts, Jr.

TAYLORSVILLE

Evan A. Ford

TUNICA

J. W. Dulaney
J. W. Dulaney, Jr.
William P. Dulaney
Martin Garner
Judge J. T. Lowe
Jack Norris Tucker
Box 332

TUPELO

George F. Adams
Box 639
M. T. Adams
Main St.
John R. Anderson
207½ Court St.
John T. Barrett
Box 150
C. R. Bolton
City Hall Bldg.
Hugh Boren
Court St.
Dudley R. Carr
Box 234
Claude F. Clayton
Lyric Theatre Bldg.
S. P. Clayton
Broadway St.
Martin D. Cook
408 Maynard Dr.
Thomas Dick Davis
330 N. Green St.
Ralph Holland
Lumpkin Bldg.
C. B. Hutchison
Court St.
Wade Hampton Lagrone
115 Broadway
William S. Lawson
Court St.
Howard D. Long
Box 698
S. H. Long
Box 639
Sam E. Lumpkin
Lumpkin Bldg.
John Pink McDonald
219 Church St.
Robert N. McNutt
115 Broadway
Guy W. Mitchell
115 Broadway
Guy W. Mitchell, Jr.
115 Broadway
W. P. Mitchell
115 Broadway
Noel Monaghan
Box 394
Tulane E. Posey, Jr.
624 Jackson St.
B. Cason Rankin
209½ Court St.
John E. Rankin
534 W. Main St.
Frank A. Riley
207½ Court St.
Robert E. Scribner
813 Jackson St.
Douglas D. Shands
Box 673
John H. Shands
Box 673
Donald G. Soper
Box 317

TYLERTOWN

Breed O. Mounger
Singleton B. Watkins, Jr.
Box 60
W. H. Watkins, Jr.

UNION

L. B. Porter
H. G. Stamper

UNIVERSITY

Joel W. Bunkley, Jr.
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Arthur B. Custy
Robert J. Farley
Box 6
John H. Fox, Jr.
F. L. Hutchinson
Box 296
William P. Murphy
George Martin Street
Box 679

UTICA

Gerald B. Carmichael
George William Haynes

VAN FLEET

Thomas B. Davis

VAIDEN

Luther S. Gilmer
Box 153

VICKSBURG

William G. Beanland
Box 991
James P. Biedenharn
Box 22
Ernest L. Bliss
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VOLUME XXVIII

1956-1957

Published by

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UNIVERSITY OF MISSISSIPPI SCHOOL OF LAW

UNIVERSITY, MISSISSIPPI

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